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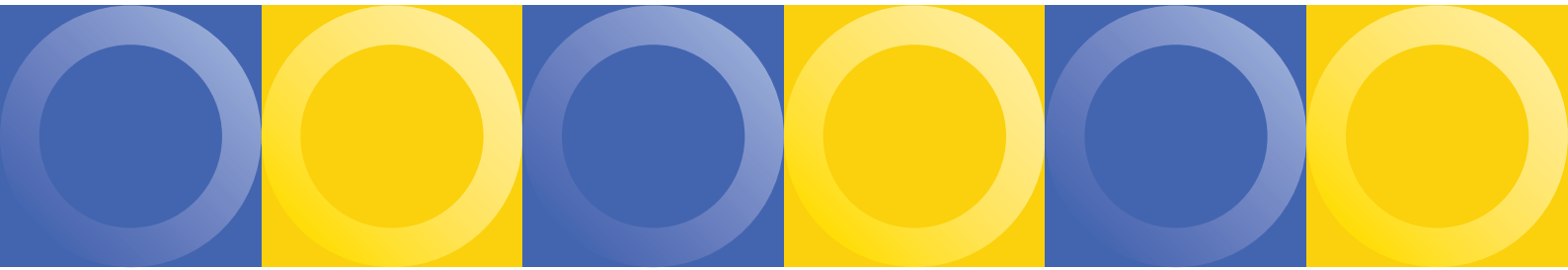
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# An In-Depth Examination of the Implementation of the Disability Equality Duty in England

## Report for the Office for Disability Issues

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# Contents

<b>Acknowledgements</b>	<b>6</b>
<b>Authors' Credits</b>	<b>7</b>
<b>Abbreviations</b>	<b>8</b>
<b>Glossary of Terms</b>	<b>9</b>
<b>Summary</b>	<b>11</b>
Context, Aims and Methods	12
Experiences of Developing Disability Equality Schemes	14
Involving Disabled People	15
Mainstreaming Disability Equality and the Impact on Working Practice	17
The Influence of the Disability Equality Duty and Guide to Best Practice	18
Conclusion and Recommendations	20
<b>Context, Aims and Methods</b>	<b>23</b>
1.1 Introduction	24
1.2 The Policy and Research Background	25
1.3 Study Aims	34
1.4 Study Methods	35
<b>Experiences of Developing Disability Equality Schemes</b>	<b>37</b>
2.1 Introduction	38
2.2 Disability Equality Schemes	39
2.3 Locus of Responsibility	39
2.4 Using Consultancy	46
2.5 Drivers and Barriers	47
2.6 Summary	59

# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

---

<b>Involving Disabled People</b>	<b>61</b>
3.1 Introduction	62
3.2 Involvement as Set Out by the Disability Rights Commission (DRC)	63
3.3 Mapping User Involvement	64
3.4 Involvement of Disabled People and Best Practice	68
3.5 Problems with Developing Involvement Strategies with Disabled People	72
3.6 Sustaining Involvement of Disabled People	77
3.7 Including 'Hidden Groups' of Disabled People	80
3.8 Summary	81
 <b>Mainstreaming Disability Equality and the Impact on Working Practice</b>	 <b>83</b>
4.1 Introduction	84
4.2 Positive Outcomes	85
4.3 Other Outcomes for Disabled People	88
4.4 Knowledge and Awareness Raising	92
4.5 Use of Disability Equality Duty in Decision Making	97
4.6 Financial Impact and Public Bodies Investment in the Disability Equality Duty	99
4.7 Influence on and from External Organisations	100
4.8 Summary	102
 <b>The Influence of the Disability Equality Duty and Guide to Best Practice</b>	 <b>103</b>
5.1 Introduction	104
5.2 The Disability Equality Duty and Disability Equality	105
5.3 Organisational Change and Progress Towards Disability Equality	107
5.4 Future Directions	110
5.5 Implementation	114
5.6 Best Practice	116
 <b>Conclusion and Recommendations</b>	 <b>121</b>
6.1 Conclusion	122
6.2 Recommendations	126



<b>References</b>	<b>129</b>
<b>Appendices</b>	<b>133</b>
<b>Appendix A: Table of Participants</b>	<b>134</b>
<b>Appendix B: General Interview Schedules for Equality Officers, Senior Managers, Link Organisations and Focus Groups</b>	<b>136</b>
 <b>Table of Case Studies</b>	
1 'Locus of Responsibility' – Health based approach to managing the response to the DED	40
2 'Pointing the Way' – Environment based study on promoting disabled access to the countryside	50
3 'Cultural Unity' – examples of collaborative working in the culture sector	66
4 'Collaborative Working' – Criminal Justice Target based initiative to bring together disabled people	67
5 'Our Survey Revealed ...' – Use of surveys by a Communities Link	70
6 'Mystery Shopping' – This example is generated from the response made by the Education Target 2 to involve in creative ways and use measurement tools to remove barriers to participation	89
7 'Group Action' – This example explores the value of using disabled people as experts from the transport sector	91
8 'Rewarding Training' – An example from the Health Target about mandatory staff training	94

# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

---

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# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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## **Abbreviations**

<b>ACC</b>	Assistant Chief Constable
<b>ACPO</b>	Association of Chief Police Officers
<b>ADHD</b>	Attention Deficit Hyperactivity Disorder
<b>BSL</b>	British Sign Language
<b>DAG</b>	Disability Action Group
<b>DDA (1995)</b>	Disability Discrimination Act 1995
<b>DDA (2005)</b>	Disability Discrimination Act 2005
<b>DED</b>	Disability Equality Duty
<b>DES</b>	Disability Equality Scheme
<b>DRC</b>	Disability Rights Commission
<b>DWP</b>	Department for Work and Pensions
<b>EHRC</b>	Equalities and Human Rights Commission
<b>EIA</b>	Equality Impact Assessment
<b>HA</b>	Housing Association
<b>HR</b>	Human Resources
<b>ODI</b>	Office for Disability Issues
<b>PCT</b>	Primary Care Trust
<b>UK</b>	United Kingdom



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## Glossary of Terms

**British Sign Language interpreter**

Person who communicates using British Sign Language.

**Consultation**

Process of seeking people's opinions, e.g. a public authority asking a group of disabled people their opinion of their proposed Disability Equality Scheme. Can be one component of 'involvement', but is not 'involvement' in itself.

**Disability**

The restrictions and disadvantages imposed on people with impairments by environmental and cultural barriers.

**Disability group or disability-led**

A local, regional or national group controlled and run wholly or partly by disabled people.

**Involvement**

A deeper process of engagement than 'consultation' – more than simply asking people their opinions. It encompasses active and sustained engagement with people in the implementation and development of policy and practice.

**Impairment**

A long-term condition of the mind and/or body.

**Learning disability**

Term used to describe people who have an intellectual impairment, but recognises that they live with environmental and attitudinal barriers that can restrict and disadvantage them.

**Link**

A public body or other organisation that has either close working relations, or shares a region, with the Target within a specified sector.

**Organisation of disabled people**

An organisation controlled and run by disabled people.

**Public authority**

Any person or body whose functions are of a public nature, e.g. hospitals, local and central government, schools and colleges. Also referred to in this report as public sector organisations.

# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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## **Sector**

An area of public policy interest generally distinguished by the ministry or government department that regulates or oversees it.

## **Social model**

A term that originated with the Disabled People's Movement. The idea that disability is the result of socially created barriers, in contrast with the medical model of disability, which is concerned with the cause of impairments.

## **Stream**

Grouping of Target and Link Organisations within a specified sector.

## **Target**

A public body significant to this research that has published a Disability Equality Scheme and has completed a first-year review.

## **A note on terminology**

We considered whether we should refer to 'people with learning disabilities', 'people with learning difficulties' or some other term in this report. The research team has been informed by discussions with disabled people about terminology in the past and has concluded that either term is acceptable. We decided to use 'people with learning disabilities' as that term is most widely used in the UK.

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# Summary





## Summary

### **Context, Aims and Methods**

This seven-month study examined the implementation of the Disability Equality Duty (DED) in England. The DED, introduced through the Disability Discrimination Act 2005, applies to public authorities in England, Wales and Scotland. The DED comprises a general duty and specific duties. The general duty requires public authorities to carry out their functions with due regard to the need to promote equality between disabled and non-disabled people. The specific duties require public authorities to publish a Disability Equality Scheme (DES) setting out how they intend to fulfil their general duty and specific duties. In addition, certain Secretaries of State must publish an overarching report for their policy sectors every three years. A Code of Practice<sup>1</sup> to assist authorities with implementing the Duty was published by the then Disability Rights Commission.

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<sup>1</sup> Code of Practice in England and Wales, Disability Rights Commission, <http://www.dotheduty.org/>



A DES must include, among other things, information about how disabled people were involved in developing the DES, an Action Plan, and arrangements for monitoring and assessing impact. Public authorities were required to publish their DES by December 2006 though certain types of schools had longer to prepare their DES and different dates apply to authorities listed since 2005. Secretary of State reports must be published by December 2008.

Research on the DED shows a mixed picture of progress, with both benefits and shortcomings reported in the limited number of studies published to date. The present study aimed to:

- examine how public bodies are implementing the DED and how the DES is influencing current working practices
- document experiences of developing a DES, including best practice
- examine the role of disabled people in developing the DES
- investigate the contribution made by the DES to organisational change and improved outcomes for disabled people
- explore how authorities are mainstreaming DED activity and the impact the legislation has on the wider culture
- give an overview of progress towards disability equality
- recommend future action by public authorities.

Seven policy areas were examined, each with a ministerial lead through the relevant government department:

1. criminal justice (Home Office)
2. culture (Department for Culture, Media and Sport)
3. environment (Department for Environment, Food and Rural Affairs)
4. education (Department for Children, Schools and Families)
5. health (Department of Health)
6. housing (Communities and Local Government)
7. transport (Department for Transport).



# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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Within each sector, a 'Target' organisation was the main focus of investigation. Interviews were conducted with equality officers (or equivalent) and senior managers, while focus groups or one-to-one interviews took place with disabled employees and customers or service users. To understand the impact of the DED on the wider sector, interviews were also conducted with a staff member in up to three 'Link' organisations associated with each 'Target' organisation in that sector.

## **Experiences of Developing Disability Equality Schemes**

Some authorities had adopted a strategic approach to the DED, seeing it as part of their organisational ethos. Others gave it less priority, adopting a piecemeal and ad hoc approach. The approach had implications for producing a DES. Some organisations commenced training and preparation a year in advance of the December 2006 publication deadline; others spent only a few months developing their Scheme.

Considerable variation existed between authorities in locus of responsibility for the DES. The evidence suggests that effective implementation requires a cross-cutting approach, where the Duty is championed and supported at senior level *and* actively promoted and disseminated at lower levels.

Several organisations employed external consultants to help develop their DES. This was not always unproblematic; for example, one consultant, due to time constraints, used secondary sources of information rather than collecting new data.

A number of drivers and barriers to developing a DES were identified. Authorities with an inclusive ethos and/or history of involving disabled people had an advantage. Some organisations reported that progress was hampered by competing priorities and agendas or restructuring. Budgetary concerns were a further obstacle, with a few organisations stating they would have welcomed additional funding to implement their DES.



Similarly, the need was stressed for information, guidance and support throughout the process. While some authorities were satisfied with the support available, others felt this had been insufficient. All except one authority had found the Disability Rights Commission (DRC) very helpful. Much concern was expressed about the loss of expertise and established working relationships following its replacement by the Equalities and Human Rights Commission (EHRC) in October 2007.

Some bodies felt they had insufficient time to develop the DES. This was linked to lack of designated staff, the time-consuming nature of involving disabled people and internal organisational issues.

## **Involving Disabled People**

Approaches to involving disabled people in developing the DES varied greatly between Target Organisations. Some – including those in the transport, criminal justice, communities, culture and education sectors – had made significant efforts to involve disabled employees and/or service users. Those in other sectors admitted that less had been done to involve disabled people.

One Link Organisation (within the communities sector) had surveyed all staff. In addition, three organisations (in the communities, education and criminal justice sectors) had conducted large scale surveys, which aimed to reach as many service users as possible.

Creative ways of involving disabled people included running a stall at a national aids and equipment exhibition, a mystery shopping exercise, commissioning work by disabled artists and inviting debates and ideas online.

Only four Target authorities had involved disability-led organisations. Another consulted just one small and unrepresentative group of service users. Two Targets reported involving a number of disability-led organisations, some of whom told us they had not been involved. It seems that the definition of ‘involvement’ used by Target Organisations was in some cases much looser than that used by disability-led organisations.



# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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Authorities with little or no involvement of disabled people attributed this to short deadlines, organisational restructuring and in one case a perception of the DED as little more than a bureaucratic requirement. However, disabled people cited the following reasons: organisational resistance to engaging with disabled people, failure to produce information in accessible formats, restricted circulation of working drafts and relying on consultants rather than seeking the views of disabled people. Some disabled people were concerned that the DES as published did not reflect their contribution.

In some cases, notably within the culture sector, relationships between disabled people and public authorities had suffered, apparently as a result of poor communication or misunderstandings.

Involving disabled people should be a sustained activity and these are still early days in terms of assessing sustained involvement. Sustained involvement is not necessarily about making plans for future meetings, but about ensuring that organisations go beyond consultation by giving contributors the chance to hear and respond to feedback. Those authorities reporting success in this regard viewed disabled people as experts whose knowledge and experience was valuable to the organisation. They were given regular feedback and had a sense of ownership of the DES.

Sustaining involvement proved more difficult where there was a rapid turnover of customers or staff, staff shortages or uncertainty about future funding or direction. There was also a risk of disabled people becoming 'burnt out' if too many demands were made. One solution generated by a Link to the Communities Target was to rotate activities around sub-groups.

Several organisations reported that the DES process had helped identify groups of disabled people, or issues affecting certain groups, previously overlooked. A good example of this, in the Criminal Justice Target, was a heightened awareness of mental health issues.



## Mainstreaming Disability Equality and the Impact on Working Practice

The findings suggest that mainstreaming disability equality has at best been only partly achieved in some organisations while others have a long way to go.

Useful initiatives which helped promote mainstreaming included appointing local Disability Champions and intra-agency regional groups whose members acted as DED ambassadors in their own agencies.

Mainstreaming was more problematic where responsibility for co-ordinating Equality Impact Assessments (EIAs) was unallocated, where information about disability equality (for example, numbers of disabled staff) was poor and where there was indifference or even resistance from some non-disabled staff.

Positive impacts of the DED included:

- greater priority being given to disability equality issues within public sector bodies, for example, a changed perception of disability equality among senior managers and equality officers, from being an 'add-on' to 'part of core business'
- improved perceptions of, and increased respect for, disabled colleagues within workplaces
- a better understanding of disabled people's support requirements
- an appreciation of the importance of involving people with different types of impairment and those experiencing a range of barriers
- as a consequence of the previous points, an increased rate of declaration of disability by employees in some organisations
- some contacts made with new sections of the disability population, sometimes leading to their involvement in an organisation's activities and/or developing the DES
- a few examples of mainstreaming disability equality, for instance, within a 'green' transport policy.

# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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The DED had prompted authorities to organise a range of training opportunities including diversity training, disability equality training and courses about EIAs and Access Audits. Limited evidence emerged of the impact of training but some organisations, such as the Health Target, had used a self-advocacy organisation to provide relevant training.

Two main types of knowledge gathering and awareness raising were under way in most authorities – dissemination of existing information about disability equality activities and generation of new knowledge intended to identify and address gaps in provision.

Monitoring and evaluation of authorities' progress in developing a DES was at a relatively low level and some organisations reported disappointment that this was the case. There was little evidence of any external monitoring following the closure of the DRC. Within sectors, Target Organisations which are not direct service providers but have a strategic role in relation to other agencies could play a more active part.

There were mixed views about the financial impact of meeting the DED, including the production of a DES. For example, the Transport Target found it difficult to resource staff training and the Culture Target reserved actions that required resourcing to the second and third years of their Action Plans.

## **The Influence of the Disability Equality Duty and Guide to Best Practice**

The DED had demonstrably changed the approach to disability equality of some of the organisations researched by shifting attention from technical and access issues to a focus on broader equality issues. By placing a much greater emphasis on the involvement of disabled people through the development of a DES, the Duty has also had a significant impact on the way in which organisations engage with disabled people.

Views were also expressed that the requirements of the Duty, including the production of Disability Equality Schemes, Action Plans and Equality Impact Assessments, actually strengthened the impact of the legislation.



Despite this, many organisations had difficulty pinpointing specific evidence of changes in practice and policy. There was some evidence that conditions had improved for disabled people in some of the organisations examined. Overall, however, the focus at this stage appears to be more on process than outcomes.

The extent of involvement of disabled people in the development of Disability Equality Schemes was a key focus in the research. Many disabled individuals and disability organisations have contributed to the DES process with energy and commitment. Those organisations that were most successful in involving disabled people not only showed a commitment to and understanding of the principles behind the DED, but also provided sufficient resources, were flexible and clear about what they hoped to gain from it and set out comprehensive boundaries and parameters.

Best practice also focuses on sustaining involvement. This can be achieved where a disability steering group is embedded as part of the organisation's committee cycle and a two-way relationship is established with senior staff, for example managers attending steering group meetings. People must feel their contributions are valued and reflected in the published DES and Action Plans.

Where possible the organisation should aim to base its DES on a good understanding of the needs of staff and service users. How this is done is not prescribed, but this research points to some good practice. While not a requirement, larger organisations may have problems reaching and involving all staff (for example, the Transport Target), whereas smaller organisations could encounter problems allocating sufficient time to manage such involvement (for example, a Communities Link). The opportunity for involvement should be fully advertised, with information provided in accessible formats and training made available.

Most schemes had a stronger focus on either staff or (less often) customers and service users. At this stage, few succeeded in addressing the needs of both groups to the same extent. This might represent a partial response to the DED, which does set out a requirement to involve both service users and staff in developing the DES.

### **Conclusion and Recommendations**

Our findings about the DED should be seen in the context of wider changes in policy and legislation affecting disabled people in recent years, with some caution being exercised in attributing impact solely to the DED.

Nevertheless, the results indicate that a positive change in perceptions of disabled people and disability issues has taken place, at least in most of the organisations we researched. This applies to organisations' views of both disabled employees and service users and customers. Disability is now firmly embedded in the equality agenda, representing a significant shift over the past decade. As the report will illustrate, there is considerable variation across and within different sectors regarding aspects of the interpretation and implementation of the DED.

While it is important to highlight the positive or negative impacts identified above, it would be misleading to suggest they applied in every sector. Rather, the research has shown that, overall, the focus at this stage was primarily on the process of developing a DES rather than on outcomes. Few formal monitoring mechanisms were identified. Several organisations were hoping to find more concrete evidence of positive outcomes through their Year 2 reviews.

Similarly, the study found that mainstreaming disability equality and disability proofing were at a relatively early stage in most organisations.

Arrangements for future regulation and assessment of the DED have not received enough attention by the EHRC. Concerns were expressed about a lack of accountability regarding how far and in what ways authorities involved disabled people in developing the DES.

Looking ahead, many organisations cited the proposed Single Equality Bill as a concern, especially the risk of disability issues being seen as less important than other equality areas. Reassurance and guidance in this area is essential.



The report ends with a number of recommendations based on the findings. It should be noted these recommendations represent the conclusions of the research team rather than the Office for Disability Issues. These are some of the recommendations:

- The Equality and Human Rights Commission (EHRC) has a key role to play in continuing the good work started by the Disability Rights Commission (DRC) in supporting organisations and monitoring the implementation of the DED including Action Plans, Equality Impact Assessments and outcomes. A number of organisations interviewed said that they would like to see the EHRC continue to offer guidance (as previously offered by the DRC) and play a leading role in interpreting and communicating the implications of future legislative changes, such as the Single Equalities Bill.
- Where disabled people have been actively involved in the development of Disability Equality Schemes, a number of organisations expressed greater confidence in the outcomes for disabled people and across the organisation as a whole. It is clear from the research that while some organisations have made significant steps to involve disabled people, others need to learn from them in terms of good practice, examples of which are presented in this report. The test for the former organisations will be to sustain involvement and demonstrate improved outcomes, for example in monitoring progress and conducting future reviews of the Schemes.
- A common factor in those organisations successfully implementing the DED was the presence of a high level 'Champion' within the organisation. Allied to this, a strong bottom-up approach appears to create an effective model for pushing through change. Section 2.3 shows how some authorities are allocating responsibility for DED throughout their organisations.
- Developing a DES cannot take place without dedicating adequate time and resources to it. Throughout this report, those organisations which have been able to do this have demonstrated a new level of organisational confidence and recognised tangible benefits in areas such as staff attendance and improved ways of working. Chapter 4 in particular examines the impact of Disability Equality Schemes and the wider influence of the DED on working practice.

# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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- Although a focus of the research it is still unclear how far organisations have developed effective measures of outcomes for service users. The next stage in the evolution of DED should be to create a framework whereby progress can be monitored, preferably aligned to existing performance frameworks. Section 5.4 looks at future regulation and monitoring of the DED.



# 01

## Context, Aims and Methods





**01**

## **Context, Aims and Methods**

### **1.1 Introduction**

This is the final report of a seven-month study commissioned by the Office for Disability Issues (ODI), exploring the implementation of the Disability Equality Duty (DED) in England. The research, conducted by a team from the universities of Glasgow and Strathclyde, took place between December 2007 and July 2008. The report begins by outlining the policy and research background to the DED and setting out the aims and methods of the research, before presenting the main findings. The concluding section discusses best practice and lessons learned, and makes recommendations for further action by public authorities.

## 1.2 The Policy and Research Background

### *The Disability Discrimination Act 1995*

A number of commentators have traced the development of disability policy in the UK (e.g. Campbell and Oliver 1996, Barnes 2002). Barnes suggests that from the mid-1940s to the mid-1990s British disability policy was essentially paternalistic and needs-led. However, the growth of the disabled people's movement, alongside growing acceptance of the social model of disability (Oliver 1990, Barnes 1992), led to campaigns for anti-discrimination legislation, culminating in the Disability Discrimination Act (DDA) 1995.

This legislation set out rights for disabled people in five areas – access to goods, facilities and services, buying or renting land or property, employment, education and transport. 'Discrimination' occurs when a disabled person is treated less favourably than others because of impairment and this treatment cannot be justified, or when an organisation fails to make a 'reasonable adjustment' to accommodate a disabled person and that failure cannot be justified. The Disability Rights Commission (DRC) was set up in 1999 to ensure implementation of the Act and replaced by the Equalities and Human Rights Commission (EHRC) in 2007. The EHRC has adopted the DRC's remit to oversee disability issues but also covers five other strands: gender, race, age, sexual orientation and religion or belief.

Research on the effectiveness of the DDA, and monitoring activities conducted by the DRC, revealed a mixed picture. Progress was undoubtedly made in some areas, notably improvements to physical access (Leverson 2002, Stoneham 2006). However Grewal et al. (2002) found that 'disability' is commonly equated only with physical impairment with evidence that the rights of people with learning disabilities (Stalker and Lerpiniere 2008) and those with mental distress (DRC 2007) are often overlooked. In addition, there is a high incidence of bullying and harassment of disabled people, those with learning disabilities being particularly at risk (Hunter et al. 2007, Mencap 2007). In relation to employment, Berthoud and Blekesaune (2007) found evidence that disabled people were among the most disadvantaged groups in the UK. At the same time, it should be noted that employment rates among disabled people of working age improved by about 9% between 1998 and 2008 (Office for National Statistics 2008).

# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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Overall, however, disabled people continued to experience disadvantage and discrimination, being more likely than non-disabled people to live in poverty, have fewer educational qualifications and experience prejudice and abuse (Prime Minister's Strategy Unit et al. 2005). In 2005 the UK Government declared a key policy aim:

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“By 2025, disabled people in Britain should have full opportunities and choices to improve their quality of life and will be respected and included as equal members of society.”

**(Prime Minister's Strategy Unit et al. 2005:7)**

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A number of significant amendments and additions have been made to the DDA since 1995, two of which are particularly relevant to the present study – the Disability Discrimination Act 2005 and the Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005.

## ***The Disability Discrimination Act 2005***

The DDA 2005 introduced various amendments to the 1995 Act but central to the present study is the Disability Equality Duty (DED) set out in Part V. This duty, placed on public authorities, transforms their responsibilities from making reasonable adjustments for individuals to a much wider duty to identify and tackle disabling barriers affecting groups of people. The focus is therefore on organisational change through taking proactive steps to meet the needs of disabled people, both as employees and as customers or service users. Organisations must think ahead and ‘design out’ discrimination when planning anything new, thus mainstreaming disability equality into all decisions and activities (DRC 2005a).

The DED consists of a general duty and specific duties. The general duty has six parts and applies to every public authority in Great Britain with a few specific exemptions. A public authority is defined as any person or body who has some public functions; there are over 45,000 in Britain (see EHRC website<sup>2</sup>). It also includes private sector agencies which may exercise some public functions. When carrying out their functions, authorities must have due regard to the need to:

- *‘Promote equality of opportunity between disabled people and other people*
- *Eliminate discrimination that is unlawful under the DDA 2005*
- *Eliminate harassment of disabled people that is related to their disability*
- *Promote positive attitudes towards disabled people*
- *Encourage participation by disabled people in public life*
- *Take steps to meet disabled people’s needs, even if this requires more favourable treatment’.*

(DRC 2005b:5).

‘Due regard’ means giving ‘*due weight to the need to promote disability equality in proportion to its relevance*’ (DRC 2005a: 1.14) rather than simply considering it. The DED applies in England, Wales and Scotland, although there are some different arrangements relating to education in Scotland and a separate Statutory Code of Practice.

The DDA 2005 also gave the Secretary of State the power to place ‘specific duties’ on public authorities and these are laid out in the Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005. These apply to authorities (listed in Schedule 1 of the Regulations) such as government departments, local authorities, hospitals, police forces and schools. The specific duties are intended to assist public authorities to comply with the general duty and require those authorities listed to publish and maintain a Disability Equality Scheme (DES).

<sup>2</sup> See

<http://www.equalityhumanrights.com/en/forbusinessesandorganisation/publicauthorities/Pages/Publicbodiesandthepublicsector.aspx>, accessed 16.5.2008

# An In-Depth Examination of the Implementation of the Disability Equality Duty in England

Report for the Office for Disability Issues

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The DES must include:

- *‘A statement of how disabled people have been involved in developing the scheme*
- *An Action Plan*
- *Arrangements for gathering information about the performance of the public body on disability equality*
- *Arrangements for assessing the impact of the authority’s activities on disability equality and improving these where necessary*
- *Details of how the authority is going to use the information gathered, in particular in reviewing the effectiveness of its action plan and preparing subsequent schemes’.*

(DRC 2005b:18)

In the guidance, involving disabled people is distinguished from simply consulting them. Involvement requires *‘a much more active engagement of disabled stakeholders at all stages’* (DRC 2005b: 10): public bodies are expected to budget adequately for this process.

As indicated above, the DRC issued guidance on the DED for different public sector authorities and a Statutory Code of Practice (DRC 2005a) setting out how public authorities should go about meeting their specific duties. The latter was written under the 2005 Act in response to a request from the Secretary of State. While it does not impose legal obligations nor set out the law in detail, it was approved by Parliament and is admissible as evidence in court proceedings. The general duty can be enforced through judicial review while the specific duties may be enforced through a compliance notice issued by the EHRC.

In addition to the general and specific duties, certain Secretaries of State have an additional duty. Every three years from 1 December 2008 they must publish a report on progress towards disability equality in their policy sector and proposals for co-ordination of future work by relevant public authorities within their policy sector.

## ***Single Equality Schemes***

Section 2.5 of the Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005 allows an authority to produce its DES '*as part of another published document or within a number of other published documents*'. This means that, at the time of writing, authorities can either produce three separate schemes covering race, gender and disability or they can produce one set of planning documentation (Single Equality Schemes and/or Action Plans) covering all three duties. In the latter case, authorities must ensure they meet the requirements of each duty and make it clear what action will be taken to implement each.

In 2007 the Government published a Green Paper setting out proposals for a Single Equality Bill for Great Britain. This document, *The Discrimination Law Review – A framework for fairness*, proposed to replace the existing separate Equality Duties (disability, race and gender) with a Single Equality Duty, which will also include gender reassignment, age, sexual orientation and religion or belief. The stated aims were to create a clearer and more streamlined legislative framework and to improve outcomes for people currently facing disadvantage. In response the Government Equalities Office (2008) published its key proposals for an Equality Bill in a document entitled *Framework for a Fairer Future: The Equalities Bill*. The proposals fall into five main areas:

1. Introduction of a new equality duty on the public sector
2. Ending age discrimination
3. Requiring transparency (this will include a duty on public authorities to report on the employment of disabled people)
4. Extending the scope of positive action
5. Strengthening enforcement.

At the time of writing the Bill is expected to be introduced in the next parliamentary session starting in December 2008.



# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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## ***Research and Monitoring of the DED***

As the DED only came into force on 4 December 2006, with the first schemes having to be published by that date, little research has been completed already. In order to identify any early publications, we conducted systematic searches of relevant electronic databases – Community of Science, ISI Web of Knowledge and Social Research Online, as well as searching Google Scholar database and the DWP, ODI, DRC and EHRC websites. These searches mostly identified policy and guidance documents produced by various public bodies although a small number of research and evaluation papers were found (some of which we were already aware of). These are reviewed in brief below.

Roberts et al. (2006) examined public authorities' approach to implementing the DDA 1995, partly with a view to establishing evidence which could be used as a baseline to explore how far the DDA 2005 was encouraging authorities to promote equal opportunities for disabled people. This study, for which fieldwork was conducted in the summer and autumn of 2006, also assessed how far authorities already had anti-discriminatory policies and practices in place. The authors reported that a large number of organisations already had a DES although less than half had involved disabled employees in developing it and only a few had involved disabled service users. A majority of agencies had carried out a Disability Equality Impact Assessment; most of them reported having changed aspects of policy and practice in employment and service provision as a result. Overall, however, most organisations felt they were currently meeting the needs of disabled *employees* better than those of disabled *customers*. At this stage, local authorities were making relatively good progress in meeting their responsibilities but educational organisations were doing less well. The authors concluded that there was a mixed picture as regards best practice, and that better information sharing would allow those performing less well to learn from others' experience. Many authorities needed to become more proactive, both in providing information and developing their own performance indicators.

A review of public bodies' response to the DED in England and Wales, conducted three months after the deadline for publication of schemes, (Ipsos Mori 2007) found that a majority of organisations (72% of the 1752 audited) had produced a DES.

Among a sample of 580 schemes reviewed, 75% showed evidence of having involved disabled people. However, 95% of organisations *reported* having involved disabled people, indicating some mismatch of understanding about what constitutes ‘involvement’. Organisations less likely to have published a DES included the cultural and countryside sectors and those falling into the other central government bodies and other public bodies categories. Most schemes were published in a variety of formats, usually on paper and on a website, but accessible formats such as large print or Braille, audiovisual formats or Easy Read were, in each case, available for less than half the schemes.

The following month, RADAR (2007) published the findings of a short study, commissioned by the DRC, examining schemes published by six public bodies which ‘*may be considered*’ examples of good practice in terms of involving disabled people. The basis on which these schemes were selected is not stated and indeed comments by disabled people involved in their development reflect mixed views. Nevertheless, RADAR identified some ‘*simple rules of good practice*’ which may be useful to other authorities, including the importance of giving ‘*continual feedback about concrete progress*’ to disability organisations to ensure their continuing confidence and participation.

A month later – May 2007 – another small scale qualitative study commissioned by the DRC was published, this time by the Office for Public Management, looking at the early impact, benefits and lessons of schemes across five government departments (OPM 2007a). Interviews with 12 government officials indicated that disability equality had assumed greater priority in their departments since implementation of the DED. Improvements were reported in terms of involving disabled people, gathering evidence about disability equality and, interestingly, meeting wider organisational objectives in the sense that benefits for disabled staff and customers were often advantageous to other staff and customers as well. A number of critical success factors were identified including ‘*high level leadership*’, initial and ongoing staff training, allocating sufficient time and resources to involve disabled people properly and building a wide sense of ownership of the DES from the start.



# An In-Depth Examination of the Implementation of the Disability Equality Duty in England

Report for the Office for Disability Issues

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A follow-up study published four months later (OPM 2007b) examined progress and benefits in other public organisations. The authors adopted an '*appreciative enquiry*' approach, which aimed to highlight the benefits of effective involvement as a model for other public bodies to emulate. The main inclusion criterion was that organisations could offer examples of good practice in involving disabled people along with evidence of positive impact. This may explain why the findings of this two-month study appear to reflect more progress than other research findings on the DED. The agencies interviewed reported that involving disabled people in developing and implementing the DES had helped bring about better public services, with organisations becoming more customer focused while also improving their overall performance. The benefits of *involving* disabled employees or service users (meaning that they contributed throughout the process), as opposed to merely consulting them, is underlined. Reported changes in organisational culture included an improved understanding of and commitment to disability equality in the workplace.

During 2007, the DRC published a series of monitoring reports, assessing the performance of various different public sectors in meeting the DED<sup>3</sup>. This included evaluations of ministerial government departments, higher education institutes, strategic health authorities, regional development agencies and primary care trusts (PCTs). Taken together, these assessments provide a mixed and not altogether encouraging overview of progress. Strategic health authorities and PCTs came out poorly: only two of the 20 PCTs sampled were judged compliant and only three of those with schemes had fully involved disabled people. Various strengths and weaknesses are identified across the board, the DRC emphasising the opportunities for authorities to learn from one other.

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<sup>3</sup> See

<http://www.equalityhumanrights.com/en/forbusinessesandorganisation/publicauthorities/disabilityequalityd/Pages/Disabilitye.aspx>, accessed 16.6.2008

In summary, the research published prior to this report painted a mixed picture of progress in implementing the DED. Some bodies had not yet published a DES and certain sectors were identified as trailing significantly. Progress in involving disabled people was patchy in some areas but evidence also emerged that disability equality was assuming greater priority within many organisations. As we will see, some of these findings resonate with those of the present study. This research also found that, overall, involvement of disabled *employees* as opposed to disabled *customers or service users* was more advanced, along with a tendency in some bodies to report a higher level of involvement of disabled people and their organisations than was in fact reported by the latter. Like previous research, this report suggests the DED has helped heighten awareness of disability equality issues within organisations and identifies the following factors as critical to success: high level leadership, the provision of training, sufficient time and resources, and a sense of ownership of the DES among all stakeholders.

This study differs from the others, however, in having been conducted at a later stage in the process, with data being collected well over a year after the December 2006 deadline for publication of schemes. The research was therefore designed to include an examination of outcomes, including how far disability issues were being mainstreamed. Although only seven months in duration, the study was longer than most of those reported above and this also allowed for a more in-depth exploration of implementation. Particular priority was given to hearing disabled people's views in this study.

# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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## **1.3 Study Aims**

Building on previous research and addressing current policy requirements, the aims of this study were agreed with the Office for Disability Issues. They are:

- to examine how public bodies are interpreting and implementing legislation on producing a DES and how the DES is influencing their current working practice
- to document their experiences in developing the DES and identify best practice
- to examine the role of disabled people in developing the DES and their views of this experience, explore how this involvement has been sustained and gather their views on the DES process
- to investigate the contribution Schemes are making to organisational change and improved outcomes for disabled people
- to give an overview of progress towards disability equality made by public authorities in their policy sector examining what they have learned and their plans for future work
- to recommend action by those public authorities to bring about further progress towards disability equality through improving their DES
- to explore how authorities are mainstreaming DED activity and how this legislation is impacting on the wider culture.

## 1.4 Study Methods

The methods were partly determined by the tender brief but there was room for flexibility. While all policy areas have relevance to disabled people, seven were selected for study on the grounds that they are key to disabled people's day-to-day lives. These lie within the following departments – Home Office (criminal justice), Communities and Local Government (housing), Department for Culture, Media and Sport (culture), Department for Environment, Food and Rural Affairs (environment), Department of Health (health), Department of Transport (transport) and the Department for Children, Schools and Families (education). The Department for Work and Pensions was not included as it was the subject of recent related research (Berthoud and Blekesaune 2007).

Within each sector, a 'Target' organisation was identified as a focus for investigation. The following selection criteria were used – each must be a public body; it must have published a DES and completed a first-year review (the Environment Target was an exception since it agreed to participate before its first-year review was due to be completed). An additional criterion was to achieve a wide geographic spread across England and this was achieved.

Wherever possible in each organisation, we interviewed an equality officer working closely on the organisation's DES and a senior manager or 'disability champion'. The strategy behind this was to obtain a pragmatic and more global perspective on how each organisation had approached the DED. In addition, we proposed running two focus groups with each organisation, one to represent disabled staff and one to represent disabled service users. In the event, this was not always possible; for example, some national organisations had involved disabled people across the country as individuals and it was impractical logistically to bring them together. In such cases, a series of one to one interviews with disabled people took place instead.

# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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To understand how the DED had impacted on a sector and not just the Target organisation, up to three ‘associated organisations’ were also invited to take part. We labelled these ‘Link’ organisations. Together these formed a ‘stream’ within that policy sector. For example, one Target body was a large police force. Its associated organisations or ‘Links’ involved in the study included another police force which had attended conferences about the DED organised by the Target body, an employment-related charity with which it had worked in partnership and an organisation of disabled people it identified as having been involved in developing the DES. Interviews with senior managers from Link organisations explored their response to the Duty and what involvement they had in contributing to the Target organisation’s response. A table setting out the type of organisations involved, and the numbers in each sample, can be found in Appendix A.

Once seven Target Organisations had agreed to participate, an analysis was conducted of their published schemes, the findings of which informed the design of interview schedules. Different interview schedules (reproduced in Appendix B) were developed for each of the four samples – equality officers, senior managers, focus groups and Link Organisations.



# 02

## Experiences of Developing Disability Equality Schemes



**02**

## **Experiences of Developing Disability Equality Schemes**

### **2.1 Introduction**

This chapter documents experiences in developing Disability Equality Schemes (DESS) throughout the seven streams. It starts by exploring themes and issues relating to the development process – locus of responsibility and consultancy. It then goes on to discuss some of the key drivers and barriers – organisational history, culture and ethos, organisational priorities, support and resources, time issues – that have emerged from the responses from the Target Organisations, the Link Organisations and disabled people that have participated in this research. To assist this process, case studies are presented here and in the following two chapters to highlight key examples.

## 2.2 Disability Equality Schemes

As described in Chapter 1, the Disability Equality Duty (DED) not only places a general duty on major public bodies, it also subjects them to a set of specific duties which help them effectively meet the overall general duty. Public bodies must publish a DES laying out how they intend to fulfil the DED. A DES is a framework to facilitate the planning, delivery, evaluation and reporting of activities to ensure compliance with the general duty. A DES must be published. It can be contained within other documents, but disabled people (and other interested parties) must be able to access it (DRC 2005a). A DES must include:

- *A statement of how disabled people have been involved in developing the Scheme*
- *The Action Plan*
- *Arrangements for gathering information about performance of the public body on disability equality*
- *Arrangements for assessing the impact of the activities of the authority on disability equality*
- *Details of how the authority is going to use the information gathered, in particular in reviewing the effectiveness of its Action Plan and preparing subsequent Schemes.*

(DRC 2005b:18)

## 2.3 Locus of Responsibility

There was considerable variation regarding which department or division within an organisation was charged with responsibility for developing and implementing the DES, for instance Human Resources (HR), Business Development or Strategy. In some cases it was located externally, with a consultant being used. The variation in locus of responsibility was due to a range of factors which are explored here. For example, in some cases the approach to developing the DES and allocating responsibilities appeared to be strategic and an important part of the organisational ethos; in others it was more piecemeal and ad hoc and did not appear to be an important priority. The following section explores key examples of this diversity.



# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

Within the Transport Target, the draft DES had been drawn up by the then Business Development/Performance Manager. This person had been allocated responsibility because he was in charge of dealing with regulatory issues and the DES fitted in to this remit. The organisation had subsequently undergone a restructuring process. This involved the appointment of a new Head of Strategy who instigated a more structured approach to the DES. Prior to this, DES responsibility lay with the Head of Transport Integration. Essentially, the point was made that responsibility was a collective one spread across management. However, this division of tasks was viewed as problematic as individuals were able to avoid duties by saying that they thought a task was someone else's responsibility. Once this barrier was identified, Action Plans were ascribed to particular managers so that progress could be identified and monitored.

## **Case Study 1 – Locus of Responsibility**

**This case study from the health sector illustrates the use of high-level support and multi-level input in implementing the DED.**

**At primary care trust (PCT) level within the Health Link, the Director of Corporate Services had been given the task of writing the documentation and Action Plan. This had been allocated to them mainly because of their previous experience in working in equalities planning. Conversely, in the Health Target two people were charged with implementing the DED: the Deputy Director for HR and the Head of Nursing. From these roles, responsibility was divided between the impact of the DED on staffing (Human Resources) and patients and/or services (Nursing). Another member of staff was also heavily involved in the Health Target's DED planning process because of their awareness and interest in people with learning disabilities. This was clearly a good example of breadth within a top-down model, though there was recognition that bottom-up pressure, in the form of involvement of disabled people, would also be required.**

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It was not always clear where responsibility lay within each organisation. Within the Criminal Justice Target, responsibility for the production of the DES was placed with an Equalities Officer with the support of a Senior Officer who was also the Disability Champion for the organisation and described by one participant as a '*real advocate*' for disabled people. The Disability Champion had the equivalent rank to Assistant Chief Constable (ACC), which '*gives us a straight line into the Chief*'.

There had recently been a new appointment – an ACC responsible for diversity and community cohesion who had formally been given the remit of continuing the response to the Duty. It was not clear whether the person carrying out this role was responsible only for disability matters in the community while the Disability Champion remained responsible in relation to the workforce. The work was therefore led at the time of interview by the Equalities Officer who reported to the Disability Champion and the Senior Command Equality Forum.

Another perspective came from a disabled employee who suggested that although the Equalities Officer and senior management team were responsible for implementing the DES, everyone in the organisation was responsible for ensuring it worked.

The Environment Target was involved in generating little bottom-up input but commented that initially a top-down process was extremely important because it revealed support of the policy at the senior management level:

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“If we had attempted to really go hammer and tongs at doing it properly it would have had an adverse effect quite honestly. I think it's far better to have the Disability Equality Scheme in place, get senior level buy in. Made sure it's driven from the top.”

**(Environment Target, Equality Officer)**

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# An In-Depth Examination of the Implementation of the Disability Equality Duty in England

Report for the Office for Disability Issues

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As part of this top-down approach, many public bodies had appointed senior managers to the role of Disability Champion. This had been used fairly successfully in some organisations (for example, Education Target 2 and the Environment Target) as a method of raising the status of disability equality:

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“Focus, attention and pace is definitely what the Champion role is achieving.”

## **(Environment Target, Disability Champion and Senior Manager)**

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Education Target 2 indicated that it had appointed a Disability Champion in order to maintain a focus on the individual disability element of its Single Equality Scheme. In this organisation, however, and despite the Disability Champion indicating that he was involved in a range of DES activities, some staff were not aware that such a post existed.

Consultancy issues are discussed in more detail later but at this stage there are some relevant points to highlight in the context of *external* locus of responsibility. The choice to buy in consultants can be made for several reasons. The Environment Target adopted the consultancy route and its scheme was developed approximately within a two-month time period. The Environment Target reported that the delay was partly due to debate about whether the organisation was required to produce a Disability Equality Scheme and time constraints. The Communities Target also took the consultancy route but in a different way, using focus groups to generate the key priorities in responding to the DED, potentially a more proactive approach.

In terms of locus of responsibility, several factors were identified as being of importance in this respect although there are few concrete examples available of best practice, rather hints at various elements considered important or desirable. Some of these are now explored.

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A key factor appeared to be *high level* support for development of the scheme. Notably, the Culture Target's DES was developed under the control of an Executive Director who was a senior member of the Executive Team. The whole process was seen as being very helpful and welcomed by the Chief Executive. Overall responsibility was at a high level in the Criminal Justice Target although it was recognised that the detailed work was done at less senior grades within the organisation. Similarly the Equality Officer at the Environment Target held the view that the scheme should be driven from the top with senior level buy-in:

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“Make sure it's driven from the top. We've got Disability Champions there and in the next phases and next iterations then I think that the climate will be different because people with disabilities will have a sense that they're more included in the process.”

**(Environment Target, Equality Officer)**

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At the same time it is inevitable that responsibility plays out at *different* levels. In most organisations day-to-day activity was undertaken at a relatively less senior level. In the Criminal Justice Target, all chief officers had responsibility for equality. Although it was seen as important to have high level support, it was also recognised that more practical support was required at less senior grades to ensure that the DES was implemented. Indeed, in the Criminal Justice Target the Equalities Officer requested the opportunity to take on the day-to-day work of the DES as otherwise it was stated that it would have gone to '*quite a senior manager*'. It was also suggested that there should be a dedicated project manager to make sure actions are achieved:

# An In-Depth Examination of the Implementation of the Disability Equality Duty in England

Report for the Office for Disability Issues

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“It annoys me because ... there’s actually a Project Manager for the Race Equality Scheme ... to make sure that we achieve our actions ... Now, there’s nothing like that for the Disability Equality Scheme.”

**(Criminal Justice Target Focus Group 1)**

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This *balance* of support and responsibility is clearly an important consideration and is about having people with a remit for disability at different organisational levels.

While several interviewees said that a senior champion was needed at the top of the organisation, they emphasised that bottom-up approaches were also important in launching each organisation’s response to the DED. The importance of this dual approach in tackling disability issues is illustrated in the following quotation:

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“So not only are local officers saying ‘local people are saying that parking on the pavements is an issue’, but the senior officers are saying to their managers ‘the feedback we’re getting is that parking on pavements is an issue and this needs to be addressed’. So it comes at it from both angles.”

**(Criminal Justice Target, Equality Officer)**

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However in other organisations this balance of approaches did not appear to work well in practice. Balance of support and responsibility also relates to having leads in different departments within an organisation. This can be seen as potentially important in terms of ensuring the approach is cross-cutting and so that it is adopted within all departments or divisions. As detailed earlier, within the Health Target, responsibility was split between two divisions (HR and Nursing). In this context, however, it is not just about having somebody with this role, but about having the right person and structures to ensure cross-fertilisation and dissemination.

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Related to these issues is the importance of having *committed* support: people who are interested and dedicated to disability issues. For example, all the organisations within the culture stream commented that, if the DES was to work, there had to be a well linked and resourced Disability Champion who was at a senior level in the organisation. There are several examples where an individual chose or seemed suited to the task because of their remit or a specific interest due to personal or professional experience. Some respondents volunteered the information that they had disabled family members and identified this as one reason for their interest in and commitment to working on the DES. Indeed, the member of staff within the Health Target's '*strong concern*' for people with learning disabilities led her to be involved in policy consultation and changing hospital practices for this impairment group.

Some staff members had a commitment to equality and diversity issues, or their responsibilities fell into this wider area, as this quote from the culture stream illustrates:

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"We have a Disability Officer here in [local area] who has done an incredible amount of work over the past years to really nurture and grow the sector, so there is a very clear and very confident voice that the [local area] has with regards to disabled and deaf artists being able to speak up and say what it is that they are doing with pride and confidence and to show excellence."

**(Culture Link, Regional Office 2)**

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Moreover, the work that led to the Culture Target's DES grew out of race legislation when the then Director of Diversity recognised that they should implement a similar policy in the field of disability, prior to the DED requiring this response.



# An In-Depth Examination of the Implementation of the Disability Equality Duty in England

Report for the Office for Disability Issues

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## 2.4 Using Consultancy

As stated earlier in this chapter, several organisations opted to use consultants to develop their Schemes. The College Link to the Education Target, for example, bought in a two-day consultancy package to kick-start the implementation of the Duty. Others, such as the Culture Target, took a deliberate decision not to use a consultant but to encourage disabled people to write the DES from the outset.

The Environment Target also adopted the consultancy route and its scheme was developed within approximately two months. The consultant used secondary sources for the process. These were three diversity and equality reports, which emanated from recent research that had substantially involved disabled people. These were carried out by a closely linked organisation, including one report regarding disabled people's access to the countryside. Further analyses of these data were not used by the consultant as it was felt that the three reports included the key messages obtained from the original analysis. No new primary data was sought through the involvement and consultation of disabled people.

Consultancy was also used by the Communities Target. It hired a consultant who worked with staff and tenants, using focus groups to generate key priorities in responding to the DED. This action involved disabled people who were not members of the organisation's staff and tenants groups, thus in practice bypassing the views of the groups already in existence, and who had the potential to act as a source of expertise. However, details of this consultancy process were not forthcoming since the Target's Policy Manager for Equalities could not recall the name of the consultant, and did not supply us with contact details despite repeated requests.

One of the problems in using consultants was highlighted by one of the Link Organisations within the communities stream, not in terms of ethos but in terms of availability of resources. As a small housing association (HA), it was suggested that the DES experience for organisations of its size was largely determined by the availability of staff. Larger organisations may have the funds available to call on the services of consultants, but smaller organisations have to be careful about how scarce resources are used. Indeed, the response of this Communities Link Organisation to the DED was severely delayed by staff illness and its situation was summed up thus: *'there's been no one else to help'* (Communities Link Disability-led HA 1).

In response to their own concerns about the lack of user involvement in the DED process within the health stream and broader problems with consultation from other public bodies in the area, the local Coalition of Disabled People put together a costed scheme of its own. This offered public bodies the opportunity to buy in the services of a consultation panel of disabled people who would be trained to offer specialised DED advice. The proposal focused on the development of good practice, offering a model for partnership working and the formulation of benchmarks regarding desired outcomes in Action Plans and Equality Impact Assessments. It was intended that this, in turn, would lead to a more coherent approach to involvement within public sector organisations and ensure that an ongoing dialogue was established between the expert team and those from the organisation's management positions. Despite offering this package widely across a range of local public sector organisations, there was no take-up of the proposal. While it is unclear whether low engagement was due to the cost of the package, it does highlight the need to factor costs, including paying people for their time, into these processes.

## 2.5 Drivers and Barriers

A series of drivers and barriers were identified in relation to organisational development and implementation of the DES. These are now discussed.

### ***Organisational History, Culture and Ethos***

For some organisations the DES was seen as part of an ongoing approach to disability policy, rather than a substantive change in policy and practice. In such cases, organisations reported having a long history of involvement with disabled people or disabled people were their key service users. In this sense this background acted as a *driver* in terms of DES development and implementation. As a senior manager at the Health Target explained:

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“We had an existing disability policy ... and we'd done a lot of work with disability groups beforehand. So it wasn't ... something we were approaching ... completely fresh.”

**(Health Target, Senior Manager 1)**

# An In-Depth Examination of the Implementation of the Disability Equality Duty in England

Report for the Office for Disability Issues

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This notion of already having disability policies in place clearly raises important issues in relation to implementing the DED. Although a history of broader work in this area may be apparent, it may also be used to justify little or no further action or change.

The existence of historical links with disabled people and their organisations is also an important driver in the DES development process. For example, the Transport Target asserted that since access to public transport has always been an important concern for disabled people, there has been collaboration and interaction between the organisation, disability groups and disabled individuals, even if this was only *‘in terms of complaints’*, for many years:

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“We’ve had a long interest in the needs of disabled people because ... the Transport Act [1968] that we were established under ... actually includes a provision that we have to have special regard to the needs of elderly and disabled people when designing the network of bus services or public transport services to cover their area.”

**(Transport Target, Senior Manager 2)**

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The Culture Target also claimed to have had a long history of involvement with disabled people through disability arts prior to the DED legislation. The Target had placed *‘cultural diversity at the heart of the organisation’* since its inception. It was therefore suggested that the roots of its DES went back many years, having funded work promoting disability equality for over 30 years. During this period, it had built a very close relationship with a range of organisations of disabled people.

Having a historical relationship with disabled people gave some organisations a head start in their duty to involve, and meant that the structures were already in place. As an interviewee from the Culture Target suggested, its long history of involvement meant that there was leadership readily available to consult:

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“It’s about the leadership of different disabled people within those sectors to empower others to begin to see how ...”

**(Culture Target, Equality Officer)**

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In the case of the Transport Target, the DES process also provided a structured way to interact with disability groups and to coalesce its pre-existing methods of involvement and consultation.

Although maybe not as established as the Transport and Culture Targets, the Criminal Justice Target also appeared to have been active on disability issues for some time predating DES development and implementation. Its Disability Advisory Group, which dealt with disability issues and policies, was described as being ‘*as old as the hills*’. This may presumably be a factor in its reported ‘*progress*’ and ‘*success*’ in responding to the DED – with the DES giving ‘*impetus to the concepts and the principles*’ that already existed. Indeed the Target began its DES work a year in advance, researching other schemes and attending various courses such as those run by the DRC. In addition staff were offered training on involvement and disability issues.

Within the education stream the Link College was in a very different position to the Targets because it had developed education programmes specifically for disabled people and so had a stable infrastructure to support disabled students. Its challenge was therefore to encourage the organisation to recognise that their employees should also be covered.

In contrast, within the environment stream steps were being taken to develop a culture which did have a high awareness of disability issues for staff. For example, monitoring and recording systems to establish the number of disabled staff were being put in place, where previously it was felt by some that staff would have been unlikely to disclose impairments. The Link’s senior manager indicated that poor staff records were one reason why staff had not been involved in the development of its DES.

### **Case Study 2 – Pointing the Way**

This case study from the environment sector illustrates how local organisations can be involved and the benefits of training.

Environment Link 1 commented that disability was its strongest area within equality and diversity. The organisation had established relationships with disability organisations which promoted rights for disabled access to the environment, and belonged to a countryside access group which included disabled representatives, for example, producing joint guidance. Other areas within the equality and diversity focus, particularly Black and Ethnic Minority communities, were new to the organisation and were not represented in the staff group so it was more difficult to address other diversity issues:

***‘Disability, because of things like [x access group] and [countryside disability organisation] being around for a while, the standards and structure for disability has been built into what we do.’***

***(Environment Link 1)***

Some of the work carried out by the Environment Link relating to disability included building substantial accessible facilities. This is important because it shows that the organisation is focusing on the outcomes rather than just the processes. Although post-consultation revealed that some of the materials used in building were not the most suitable for wheelchair access, some progress had been made in terms of promoting access across other impairment groups. For example, the organisation had volunteer British Sign Language interpreters and some staff had participated in sign language training. In addition, joint bids with disability organisations for work with specific groups of disabled people were being submitted and trails were being adapted for use in more active sports (such as downhill track) by disabled people who used wheelchairs.

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## ***Organisational Priorities***

Within some organisations competing priorities and agendas and restructuring acted as a barrier to their ability to implement the DES. While the DES may be a high priority for some, these other priorities and issues were seen to get in the way. For instance, at the time of interview, the Communities Target was planning to move into a new agency within a year. Although it would have liked to move onto a Single Equality Scheme, it felt unable to pursue this until the transition was over. Thus, uncertain and changing organisational issues restricted its response to the DED.

Education Target 2 clearly saw a tension between developing national strategies at head office and seeing them implemented across the regions. Like Education Target 1 and the Culture Target, the set-up of Target 2 meant that head office, where the equality and diversity senior team was based, had a very different remit from those working in the regions:

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“A lovely national statement of priority and commitment and programmes isn’t worth a row of beans until it’s implemented in a ... sustainable way and a flexible but consistent way around the country.”

**(Education Target 2, Senior Manager)**

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These tensions between national strategy and regional implementation may clearly threaten progress in meeting the terms of the DED, unless recognised as a potential barrier. Since Education Target 2 was aware of the issue, it was striving to avoid the trap of producing a scheme that had little practical value. For example, its Equality Steering Group (some members formed our focus group) was generated from the regional offices and worked as conduits of information, or ‘ambassadors’ as one focus group member put it, to advertise the work done in response to the DED.



## An In-Depth Examination of the Implementation of the Disability Equality Duty in England

Report for the Office for Disability Issues

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Concerns were also raised by one Link in the culture stream. These related to the Target Organisation's plans and claims. In this case, the Link Venue maintained that it had not been involved and the results of the Target's consultation had not been made widely available. The Link was approached at one time by the Target to take part in an exercise to look at the DES and its development with another large theatre but this failed to take off, possibly for budgetary reasons. Different views were expressed between the Culture Target and the Links over promoting access to venues versus promoting disabled artists and what focus Schemes should prioritise. In the end, however, there were no funds available to prioritise either. As an alternative approach, the Link had looked into setting up a workshop on DED implementation with other theatres but, again, failed to secure funding from the Target Organisation for this.

Within the culture stream, the initial scheme produced by the Target focused strongly on strategy and broader issues such as the development of disability arts and the promotion of disabled people in public life. In contrast, the regions took a much more practical view, focusing more on the audience, aiming to increase access to theatres and arts centres. Thus a clash between central and local priorities emerged.

Establishment of priorities in the Culture Target's Action Plan was, to a certain extent, controlled by budgetary concerns. When it was first drawn up, the organisation was still waiting for its ministerial budget settlement and was therefore unable to plan. Indeed, the cash settlement allocated to cover the DES was '*remarkably different*' from those allocated to the other duties, particularly the Race Equality Duty. As there were significant differences in available funds, only one worker was able to be involved with DED work compared with the five people involved in Race Duty work. Cash intensive Action Plans had to be placed at the middle and end of the scheme as there was limited funding to complete any plans set for the first year. Therefore the early stages of the plan had to focus on disability equality training and other internal issues described as being '*cash neutral*'.

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Other examples of issues over competing priorities and agendas were raised reflecting differences in the way organisations viewed the DES process. The following quotations from the culture and health streams illustrate the point:

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“So, anything to do with disability gets lumped into your DES and, on one level, I feel that marginalises what we do around disability policies but, the other side of that is, if your Disability Equality Scheme is working effectively, then it distributes that across the organisation.”

**(Culture Target)**

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“The amount of resource that we can allocate to it is a constraint. So that is an issue that we need to ... look at within the Trust because ... it's not just for disability equalities, we've got all the other ... equality and diversity agendas as well.”

**(Health Target)**

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These issues clearly underline earlier comment that if the DES is to work there is a need for a well-linked and resourced 'Disability Champion' who is at a senior level in the organisation.

# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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## ***Resources and Support***

The need for external support, guidance and information throughout the DES development process and beyond was often raised by the organisations. While some were happy with the types and level of support available, others were more critical generally, or not satisfied with particular types and sources of information. This can act as either a driver or barrier depending on the requirements of the organisation.

For example, Education Target 1 stated that it would have liked more support from central government about how to implement the Duty, and specifically how to develop their DES.

The Transport Target used the internet to obtain guidance documents to draw up their original DES draft. It also sought guidance and information by looking at other public bodies' Schemes:

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“[We] indulge[d] in a bit of plagiarism, actually, there’s no use [re]inventing the wheel if somebody else has invented it.”

**(Transport Target, Senior Manager 2)**

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The Transport Target also raised the point about the importance of where the guidance came from. The DRC was said to be an important information source; however, it was asserted that information that was seen to have emanated from the Department for Transport had a much greater impact (as a policy driver) on organisations within the transport sector.

Likewise, the Criminal Justice Target’s Officer was positive about the support received from the DRC. However, they reported that the Target would have liked more support in-house from Her Majesty’s Inspectorate for Constabulary and the Association of Chief Police Officers (ACPO), which was said to have issued guidance so late that most forces had already completed their Schemes. The Target also received good support from some agencies, for example Access to Work and a not-for-profit organisation, although financial support would also have been appreciated.

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The Transport Target echoed this call for extra finance to implement the DED. One of the Criminal Justice Links was not clear how closely authorities were expected to follow the DRC guidance and questioned how much autonomy they should observe in this process.

Within the culture stream, the DRC was seen to provide excellent support and advice in the establishment of the Duty, especially through the Code of Practice. However, some expressed concern about the loss of the Commission's expertise, and the relationships developed with it, following the establishment of a single body, the EHRC. Indeed the loss of the DRC and the establishment of the EHRC was raised as an ongoing cause for regret and worry by organisations throughout this research.

As the EHRC is a very new organisation it is not surprising that its impact has not yet been felt by all Targets and Links.

The DRC was seen as the '*most aggressive*' of the Commissions and perhaps the most efficient. Indeed Culture Link 2 felt it had worked because:

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"It's law. And I think if you start at the point of saying 'This is the law, working with people and informing our decision making by involving people and disabled people especially, is going to ensure that we not only comply with the law, but also we excel at it and we are an exemplar of it.'"

**(Culture Link, Regional Office 2)**

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One of the Criminal Justice Links, however, viewed the DRC as '*aggressive*' in nature and reported that this was unhelpful.

## An In-Depth Examination of the Implementation of the Disability Equality Duty in England

Report for the Office for Disability Issues

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The interviews from the Health Target revealed that resourcing constraints meant that disability equality issues were being addressed alongside broader equality and diversity issues. Likewise within the environment stream, the chairperson of Disability Organisation 2 thought the Action Plan had ‘*excellent ideas*’ but that cost cutting and lack of funding would compromise the Target Organisation’s ability to carry out the plan. In turn, the chair of Disability Organisation 1 harboured some scepticism about the breadth of the project:

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“Our concern frankly ... rather follows the concern that we have throughout the reorganisation of the Disability Rights Commission. It’s been swallowed up into a combined organisation involving race and other types of discrimination into a body called the EHRC and I’ve been concerned that when you take into account too much, too many causes, you can lose focus. In a way I was a bit sceptical of [the project] because it had this very wide focus indeed.”

**(Environment Link, Disability Organisation)**

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There was also some concern over support between Target and Link Organisations. Notably the Communities Link Disability-led Housing Association (HA) 1 reported that it had received no support from the Target and was surprised that the latter had mentioned it as an exemplar in the field. According to HA 1, the Target had never asked them to look at its DES. However this Link also questioned the principle of being supported by the Target, believing it [the HA] would gain more sense of ownership of the DED by responding to the Duty directly rather than through a regulatory organisation. Link Disability-led HA 1 also consulted other HAs to share best practice, including Disability-led HA 2.

The Private HA echoed the frustrations of responding to the DED as a small organisation. Whereas some Targets had a team to respond to the Duty, the HA reported that it had one day a week to respond to race, gender and disability. Again, the organisation chose to put together a DES (even though it was only required to do an Action Plan) because it was felt that it would not be meaningful to write a plan without doing the Scheme first. It was stated that being a senior member of the organisation and being able to report directly to the Association's Board had helped get results. Moreover, having the power to delegate work assisted in mainstreaming the organisation's response to the Duty.

### ***Time Issues***

As stated in section 1.1, public bodies had a limited time to respond to the DED and were required to publish their DES by December 2006. Lack of time was cited as a barrier for most organisations and the absence of designated staff clearly had detrimental implications for workloads, leaving insufficient time for wider consultation and issues regarding deadlines.

In particular, the Communities Link Organisations expressed a lot of frustration at the short amount of time afforded to them to enact the DES process. The DRC wanted housing associations to be considered public bodies under the DED but the Target Organisation resisted this because it had implications for practice beyond disability discrimination. After protracted negotiations, the Target placed a requirement on all housing associations to produce their own Action Plans. According to the Private HA Link, it was only given six weeks' notice by the Target to produce Action Plans. Although the Link had anticipated that plans would be required and work had already started, if this process had not been under way, the short time available would have given them '*no time for meaningful negotiation with disabled people*' (Communities Link Private HA).



# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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For most organisations, the focus on developing a strategy was integrated into existing workloads, rather than through a designated post for any one person. Therefore it was difficult to quantify exactly how much time was being spent on work in this area:

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“If I’m being entirely honest I would say it’s not as much time as we need to be spending on it.”

**(Health Target, Senior Manager)**

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Likewise the Environment Target also indicated that time constraints prevented new involvement. In addition, it was felt that the recent diversity and equality research, which had substantially involved disabled people and been carried out by a closely linked organisation, did provide sufficient information for the Environment Target to develop its DES.

Concerns were also raised about meeting deadlines which, in turn, highlights the importance of having monitoring structures such as steering groups in place. For example, there had been discussions between the Transport Target and the DRC because it was unclear whether the Target’s DES was going to be available by the 4 December 2006 deadline. Indeed, the Target had asked if a provisional scheme could be put forward but had been told this would not be acceptable. However, in light of this it was expected that there would be scope to refine the scheme after future reviews.

## 2.6 Summary

This chapter has documented organisations' experiences in developing DES by exploring themes and issues relating to the process, covering locus of responsibility, user involvement, consultancy, and key drivers and barriers: organisational history, culture and ethos, organisational priorities, support and resources, and issues of time.

In terms of locus of responsibility, there was considerable variation regarding which department or division within an organisation was charged with responsibility for developing and implementing the DES. However, as detailed, in some instances this was done externally through the consultancy route. It was not always clear where responsibility lay within the organisation. Likewise although user involvement is a central tenet of DES development and implementation, it can be a complex process. This is discussed in more detail in the next chapter.

A range of factors was identified as being important although there are few concrete examples available of best practice – rather hints at various elements considered important or desirable. A key factor was to have *high level* support for development of the scheme. At the same time it is inevitable that responsibility plays out at *different* levels and *balance* of support and responsibility was also an important consideration. The findings highlighted the importance of having people with a remit for disability at different organisational levels; for example, a dedicated project manager at an operational level to make sure actions are achieved, alongside a senior champion at a higher level. By focusing on the need for these roles at different levels, it is clear that bottom-up approaches were regarded as equally important to work in tandem with top-down approaches.

Balance of support and responsibility was therefore seen as potentially important in terms of ensuring the approach is cross-cutting and adopted within all departments or divisions. Related to these issues is the importance of committed support: it was noted that some individuals with particular commitment to implementing the DES had prior experience at professional or personal level, of disability issues which translated into motivation to optimise the opportunities presented by the DED.

## **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

---

A series of drivers and barriers were also identified in relation to organisational development and implementation of the DES. For example, some organisations regarded the DES as a driver and as part of the ongoing mainstreaming of disability equality, rather than a substantive change in policy and practice. Some have a long history of involvement with disabled people or disabled people are their key service users. Having a historical relationship with disabled people gave some organisations a head start in their duty to involve, and meant that in these cases structures were already in place. This did not necessarily mean the established structures were more effective than newly developed ones. Competing organisational priorities and agendas acted as a barrier for some in terms of their ability to implement the DES; uncertain and changing organisational issues have restricted their response to the DED.

Information, guidance and support throughout the DES development process and beyond were often raised as an issue, acting either as a driver or barrier. Although some organisations were happy with the types and level of support available, others were more critical generally, or not satisfied with particular types and sources of information. Time constraints were a barrier for most organisations, which lacked designated staff, with implications for workloads, insufficient time for wider consultation and issues regarding deadlines.

# 03

## Involving Disabled People



**03**

## **Involving Disabled People**

### **3.1 Introduction**

Some public bodies have involved disabled people in their responses to the Disability Equality Duty (DED) more than others: some have not included them at all or had only limited consultations with them; others have had creative and effective involvement with disabled people, going beyond the requirements into sustained involvement.

This chapter aims to explore these issues in more detail. It gives examples of best practice and demonstrates the benefits of involving disabled people in responding to the DED, and draws attention to some of the barriers to involving disabled people effectively within public bodies. As with the other sections of this report, this chapter is principally informed by the responses from the seven Target Organisations, but reflects too the Link Organisations and views of disabled people who have contributed to this research.



### 3.2 Involvement as Set Out by the Disability Rights Commission (DRC)

The DRC (2005b) published *Doing the Duty* to provide a guide for the public sector on how to proactively ensure that disabled people are treated fairly. The guide is structured into five 'stages' and the first of these, 'Involving Disabled People', demonstrates the centrality of this principle to the DED specific duties.

The involvement of disabled people is a legal requirement in producing a Disability Equality Scheme; it also encourages authorities to view disabled people as possessing expertise that has potential benefits for their organisation. Involvement goes beyond consultation, requiring '*a much more active engagement of disabled stakeholders at all stages*' (DRC 2005b: 10). In addition, involvement is expected to include collaboration with disabled people to identify barriers to participation and unsatisfactory outcomes of working practices, set priorities for Action Plans and plan corporate activity. As part of this process, the DRC advocates realistic budgets for facilitating involvement, stating that such budgets should support the involvement of all interested parties including former, current and potential service users, staff and the wider community. The DRC document (2005b) suggests that disabled people could therefore be involved via a number of routes:

- *Local organisation/s of disabled people*
- *Existing forums, such as disabled staff networks*
- *Setting up specialist forums of disabled people (where none exist at present)*
- *Workplace trade unions*
- *Segmenting and developing existing consultation mechanisms of utilising existing networks.*

(DRC 2005b: 12)



# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

---

In highlighting a diverse range of organisational structures, it is emphasised that the disabled people involved should represent diversity in terms of impairment types, the range of barriers people experience and other equality issues (for example ethnicity, age, gender, sexual orientation and religion or belief).

## **3.3 Mapping User Involvement**

From the interviews it was clear that some organisations had clearly involved disabled people in the development of their schemes whereas others were very candid about their minimal approach to involvement.

A variety of approaches to involving disabled people had been adopted. Indeed, most organisations recognised the need to set up internal staff groups and service user groups of disabled people, although several had done this at the beginning of their response and had failed to sustain it after the DES had been published. Some organisations also permitted membership alongside disabled staff and service users of non-disabled people in order to reflect the views of those who live with a disabled person. However, only four of the Targets generated examples of involvement with disability-led organisations. Such consultations should permit access to a range of disabled people already part of established groups. As one of the organisations described, failure to engage with disability-led groups was viewed with some scepticism:

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“See the problem is, if they’d asked us the disability activists or disabled people involved in housing ... but they didn’t want to, they knew exactly what we’d say, we’d have said, ‘Lifetime homes, wheelchair targets, adaptations, do something about it.’ Now that’s not what they wanted. When [Communities Target] did their consultation on the DES, they got a group of disabled people to agree that they didn’t want lifetime homes but what they wanted was a discussion on what the lifetime homes standards should be.

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I mean it was a cracker, it was just like ‘What a fantastic group of people to find. How did you spot them?’

You find real people who say ‘No we don’t actually care about the homes we’re living in but we’d really like to have a further discussion.’ So I think that was a classic example of how ... public sector organisations are very good at running consultation.”

**(Communities Link, Disability-led Housing Association)**

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While not relating exactly to best practice, it does highlight that the involvement of disabled people needs to be encouraged but work should be carried out to ensure that any groups are fully aware of the ‘rules of engagement’ before beginning the process. It is also important in terms of ensuring that everyone involved has a common understanding of the remit.

Notably, the Transport Target had a history of working with and consulting disabled people and provided a good example of substantial user involvement in the DES development process from an early stage. A consultation group was set up based on contacts the organisation had with local disability groups. This was described as a *‘little steering group’* which formed the basis of their involvement.

As stated, there were two Targets involved in our research in the education stream. The first Target was responsive and contributed well, but was limited in the depth it could provide and, although it claimed user involvement was good (staff and service user groups), was unable to facilitate contact with Link Organisations or organise focus groups for us. During our exploration of possible Link Organisations, we approached a second organisation which was also very responsive and was able to provide us with an interview at a very senior level within the organisation. This organisation became Education Target 2. Target 2 facilitated access to the disabled members of their Employees Equality Forum, from which a small focus group was formed.

### **Case Study 3 – Cultural Unity**

**This case study from the culture sector illustrates the use of joined-up governance and involving local groups of disabled people.**

**User involvement in the culture stream initially proved difficult but this example shows how arrangements can be adapted to bring about more constructive and sustainable and involvement. Collaboration in the Culture Target drew on its extensive network of disabled artists to initiate the first phase of its response to the DED. This collaboration predated the DED and was fairly unsuccessful resulting in friction between artists and the Target (see page 63). This was followed with a survey and focus groups with disabled people (non-artists). The Target then generated a second phase of involvement as it placed a duty on regional offices to complete their own consultations with disabled people and produce their own Action Plan based on the ideas of local groups of disabled people. Indeed, this second phase was more successful in hearing a fuller range of disabled people (artists, disability-led organisations, venues and service users) and in sustaining involvement. This demonstrates that collaboration within sectors can take time and perseverance to yield successful results.**

The Communities Target employed a consultant who held focus groups with staff and tenants to sketch out key DED priorities. Although Link housing associations (HAs) were obliged (as decided by the Communities Target) only to draw up Action Plans, it made a decision to be an exemplar organisation and engage thoroughly with the DED by producing its own DES. The small size of the Link Disability-led HA 1 meant that it could only manage to muster a small steering group consisting of just three or four staff who were disabled or had experience of supporting disabled people.

## Case Study 4 – Collaborative Working

**This case study from the criminal justice sector illustrates the use of multi-level input in developing a DES and establishing a clear remit for the groups involved.**

**The Criminal Justice Target advertised among its own staff for volunteers to join a Disability Working Group, which was supported by a long-standing Disability Action Group (DAG). The Disability Working Group reported to DAG which, in turn, reported to a Trust and Confidence Board. A Diversity Officer from a national charity which worked with employers, social services and disabled people to help disabled people find employment reported that she was part of the Disability Working Group and had ‘a lot of involvement’ in developing the DES. As a result the Working Group represented a diverse range of staff members, and this allowed, first, useful and informed collaboration in meetings and, second, for meeting agendas to inform work practice outside meetings. For example, as a result of meeting other members of the Working Group, a few members reported feeling more valued by the organisation, and more confident in fulfilling their duties, demonstrated by them promoting the Group to others.**

However, user involvement was in no way universal across the streams and some organisations were open about their failure to involve. Notably, one of the Health Link’s senior managers freely admitted that the shortage of time and resources resulted in a failure to integrate the views or ideas of local disabled people in its scheme. This was viewed as an inevitable shortcoming as the process was described as ‘*a rearguard action, just to comply with the legislative requirements*’.

# An In-Depth Examination of the Implementation of the Disability Equality Duty in England

Report for the Office for Disability Issues

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Similarly, there was minimal involvement of disabled people in the Environment Target's DES. A range of disability groups had been consulted for earlier equality and diversity research and the Environment Target's Equality Officer was satisfied that '*all of that process has stood in proxy for our engagement with disabled people*' in relation to the development of the DES. Although disability organisations which had contributed to this research were contacted to give an overview of their experience of and perspectives on access to the countryside, this only provided indirect contributions to the Target's DES.

One of the Environment Link Organisations also failed to involve disabled people in its DES development or in consultations about draft copies. Instead Human Resources developed the DES without any involvement. Like the Health Link, a senior manager at the Environment Link asserted that a tight schedule reduced the time available for involvement. However, it was stated that historically (and currently) disabled people remained involved in some pre- and post-consultation about new community facilities, activity programmes and other events.

## 3.4 Involvement of Disabled People and Best Practice

This section will focus on positive examples of involvement from the interviews. Indeed although some organisations reported fairly minimal involvement of disabled people, they were still able to generate examples of good practice. For example the Communities Target used focus groups of disabled service users. This produced important and useful information:

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“That’s one of the things that we’re very pleased about, the fact that we ... could be absolutely clear and honest and say, it was disabled people that set the priorities of the [Communities Target] ... they weren’t set in isolation and then pushed down.”

**(Communities Target, Equality Officer)**

A range of innovative approaches focusing on involvement with disabled people was revealed throughout the interviews and focus groups, although some were clearly more effective than others. One Link Organisation (to the Communities Target) surveyed all staff, and three Link Organisations (to the Communities, Education and Criminal Justice Targets) had conducted large-scale surveys aiming to reach as many service users as possible.

Two Targets (Criminal Justice and Health) advertised for responses in a magazine, one Target set up a stall at a major exhibition (one of the largest aids and equipment exhibitions in the UK aimed at the national homecare and disability market) (Criminal Justice Target), one organisation ran a mystery shopping exercise to investigate its recruitment process (Education Target 2), one organisation commissioned 12 disabled artists to consider a manifesto for change (Culture Target) and one organisation set up an online programme to invite debate, questions and ideas from service users, which was used to inform its DES (Education Target 2).

Revealed here is a pattern of creative responses to the DED. All these methods of involving people worked well, though some had limited impact on the DES specifically. Organisations that used a variety of methods (for example Communities Link Organisations) were also more likely to have sustained involvement of disabled people.



### **Case Study 5 – Our Survey Revealed ...**

**This case study illustrates several areas of best practice from the housing sector, including accessibility, training and measuring progress.**

**One of the best examples of involvement generated by this research illustrates the value of sustained consultation with the same group of disabled people. The Communities Link Council HA set up a Working Group that met six times a year and has had a significant impact on the DES, Action Plans and other working practices and strategies. Accessibility was a prime concern for the organisers of this group: the group received training; jargon and acronyms were removed (where possible) from discussions; senior managers worked with the group to present problems and find solutions together; and the Chair was available for one-to-one discussions to aid input from those uncomfortable speaking to the whole group.**

**Another HA (Communities Link Private HA) surveyed all tenants and all staff as its first step in responding to the DED; thus the whole community was free to reply and contribute to the HA's response. Before this exercise, the private HA believed that 1.6% of staff had a disability but the survey revealed that 10.3% were disabled and a further 13.2% cared for a disabled relative. The survey also revealed that 42% of tenants self-reported as disabled. The large proportions of disabled people living and working within this sector helped maintain focus on the private HA's response to the DED. Tenants' groups were set up within the different geographical regions covered by the HA and contact was maintained – usually by email – as this seemed to be the most accessible form of communication as reported by the group themselves.**

The Disability Working Group set up by the Criminal Justice Target also provided training for the group to facilitate its contributions and members had one day a month off normal duties to attend meetings.

The Education Link College also worked hard to facilitate the involvement of all disabled service users, and continued to survey all students annually, and from this encouraged participation in a student council. The Transport Target had a history of running a Disability Access Panel that predated its response to the DES. The Panel remained well attended with members enthusiastic about what they saw as real commitment from their Transport Target. All relevant literature and policies published by the Target were seen by this panel and so its contribution meaningfully impacted on current working practice and therefore extended beyond the scope of the DES. Similarly the Culture Target ensured that all meetings used a British Sign Language interpreter, that there was a Palantypist present and that the language was accessible. Pictorial images were used where possible and reports were made available for all to read.

Being enabled to make a meaningful contribution clearly motivated the groups of disabled people to continue their participation. Indeed the respondent from the Communities Link Private HA felt that the success of its Disabled Tenants Group was a function of their energy and how well they galvanised as a group rather than through her facilitation: *'they really understood how great the opportunity was for change and embraced it'*. This was echoed by the second employee focus group run with the Criminal Justice Target who felt motivated because they felt that they had ownership of the DES. Ownership of the DES seemed to relate to the level of control disabled people had in relation to judging which Action Plans were included, which were prioritised and deciding when Action Plans were met. For example, the Criminal Justice Link Police Force reported that Action Plan items were not signed off until permission was granted from its disabled service user groups.

# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

---

Without ownership and meaningful engagement, groups tended to collapse. For example the Transport Target felt that the continuation of its Group was enabled by moving on from issues surrounding Dial a Ride and other complaints, and expanded to cover strategic planning issues such as station and vehicle design. In contrast, the Health Target's Disability Advisory Group (predating the response to the DED) focused on implementing changes around access for a new hospital site. After the consulting architect left without submitting a report, the group collapsed and members were given no further information about how their input would be used.

This collapse clearly affected future engagement, as the idea of a planned consultation exercise set up by the Health Target was cautiously received by the disabled people interviewed in the region. In turn, they suggested that any future consultation would have to be organised in a more meaningful way, with an accessible dialogue established between all parties.

## **3.5 Problems with Developing Involvement Strategies with Disabled People**

The involvement of disabled people was compromised in a number of ways. Sector specific examples emerged where short deadlines negotiated between new organisations working in the environment sector and the DRC meant that the Environment Target felt unable to involve disabled people when writing its DES. Since the publication of the DES, however, working groups of disabled and other staff were set up to discuss disability issues and to identify priorities for the organisation.

As indicated previously, involvement in the health sector had already been disrupted by the collapse of a Disability Advisory Group. The negative impact on future engagement was highlighted by the local Coalition of Disabled People. In its view, the Target was resistant to a dialogue regarding the DED:

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“We’ve never been approached by the [Health Target] and [asked], ‘we want to engage with you’.”

**(Health Link, Disability-led Organisation)**

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The local Coalition of Disabled People also argued that the Health Target only circulated its Equalities Report in-house, thus preventing easy feedback from any of the disabled people who had been involved. The Coalition also argued that the report was not available on tape or any other accessible format and therefore significantly restricted the number and range of people who could read and consider the issues set out in it. We were not able to verify these claims with the Target.

The impact though, as perceived by the Chair of the local Coalition, was that not giving disabled people the chance to give feedback effectively hid their voices and also prevented true involvement:

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“You know if we don’t see the information and paperwork we can’t advise and say ‘this is what the things are’.”

**(Health Link, Disability-led Organisation)**

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Other organisations also gave examples of where their information-collecting strategies restricted the involvement of disabled people. The barriers that emerged here were not sector specific and therefore may also affect public bodies not involved in this research. For example the Communities Target used consultants rather than existing panels of disabled people to explore sector-wide issues and this does not constitute sustained involvement, it counters the ethos of the DED:

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“To raise issues and the sector ... housing associations are very good at representing the interests of their residents.”

**(Communities Target, Equality Officer)**

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# An In-Depth Examination of the Implementation of the Disability Equality Duty in England

Report for the Office for Disability Issues

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Indeed the use of consultants was rejected by the Culture Target as being against the ethos of the DED:

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“Our first Director of Diversity came in and put the finishing touches to our Race Equality Scheme and said we should be doing something like that for disability and what happened, they said, well rather than get a consultant in and getting someone to write it, why don’t we get people to write it themselves and this, this was before the ... Disability Equality Duty came in. So, we basically developed this group where we ... invited lots of people from the Disability Arts Sector.”

**(Culture Target, Equality Officer)**

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The Culture Target’s strategy was to embrace the experience and expertise of leading figures in the arts sector who also worked within the disability field. These figures were paid for their time and so adopted a consultancy role, yet also represented disabled people. There clearly was an initial commitment to the involvement of disabled people, or at least a financial commitment, in that the process was very well funded and all those who took part in the original consultation were well paid. However, many felt that they were not really ‘involved’ in the process. In order to optimise the group’s creativeness, few parameters were put on its work. As one disabled artist involved in the first phase of the Target’s response to the DED commented:

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“We knew that whatever we produced in that network would later be used. So we tried to create a manifesto of rights if you like ... and suggestions for ways forward ... not just for the [Culture Target] but ... for the Disability Arts Sector.”

**(Culture Link, Artist involved in earliest consultation).**

Though innovative, the response from disabled artists was relevant to the arts but had little practical value for the Culture Target's more focused response to the DED. Regretfully the Culture Target was unable to use the contributions '*it was never ever taken up ... they've got it in their archives ... but they didn't use them*' (Link Artist). Although the group of artists was invited to join a Steering Group, many were deterred from involvement after the '*depressing response*' from the Culture Target. The underlying problem here appears to have been poor communication leading to a mismatch of expectations. The Culture Target responded with a change of strategy and ran survey and focus groups with other disabled people (rather than disabled artists) to gain a more '*centred approach*' (Culture Target Equality Officer).

Education Target 1 relied on the views of disabled non-executive board members to guide the process. While this might have positively influenced the process, it remains unclear to what extent this replaced the involvement of staff and service users. Education Target 2 set up a support network for students with mental health problems with other organisations in the sector, but again this was informed by non-disabled people and so although it had the potential to be a useful service, it did not follow the ethos and requirement of involvement set out by the DED. In this case, this does not compromise their duty, as this was an additional service inspired by their response to the DED, rather than a core response. Education Target 1 consulted a very small and unrepresentative sample of service users from one college and one school in the London area, selected for having an existing '*good relationship*'. This sample provided no geographical diversity and so a limited perspective was acquired.



## **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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Indeed there was concern among some disabled people that the DES as published failed to match their expectations. In the Education Target 1 and the Criminal Justice Target, those managing the DES set the parameters for the early discussion around the DES and Action Plans. The Criminal Justice Target, however, argued that such restriction gave its Disability Working Group the chance to move forward usefully with the agenda. As a result, the group was later given the chance to alter the parameters of its discussions so that ultimately it led the way with how the DES would look. Yet one of the focus groups of disabled employees at the Criminal Justice Target felt that the published DES looked radically different from the one that they had worked on:

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“I didn’t feel much ownership because ... not long before it was published it got took off [Equality Officer] and given to another, Personnel Officer to do some work on it ... I don’t know what they did and what they changed and, and then it just got published. We weren’t consulted shortly before publication really.”

**(Criminal Justice Target, Focus Group of Disability Working Group)**

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Clearly then it was difficult to achieve genuine involvement and to manage expectations. Time constraints (for example the deadline of December 2006, particularly where this impacted on newly formed public bodies) limited the period available for involvement and in some cases was reported to have prevented it. Within the organisations we interviewed, the use of consultants did not always replace involvement but did tend to survey opinion only at the beginning of the process, rather than achieve a sustained process where disabled people were afforded the opportunity to give feedback on the organisation’s development and progress. Failure to circulate the draft DES or not circulating it in accessible formats also clearly restricted the involvement of disabled people.

Finally, the reliance on some senior managers who had some involvement with disability issues was at risk of replacing service user and general staff involvement and therefore severely limiting the perspective on which the organisation's DES was based.

### **3.6 Sustaining Involvement of Disabled People**

Sustaining involvement throughout the DES development process was clearly a key challenge for some organisations. An awareness of these challenges will be important for organisations planning to sustain involvement in future reviews of Schemes and Action Plans. For example, the Education Link College had a high turnover of students and therefore found its student council difficult to maintain from one year to the next. The Culture Target, the Communities Target and the Transport Target were also restricted because of funding issues and uncertainty about how their organisation would develop.

This did not reduce the Targets' commitment to the DED, but made it difficult to plan the latter years of the three-year Action Plan or to commit significant resources to their response. Similarly, staff turnover and illness influenced a number of organisations' response to the DED (two organisations were unable to contribute due to staff shortages) and this led in some instances to the break up of service user and staff groups as their trusted facilitator became unavailable. This was a particular threat to small organisations.

The organisations interviewed reported that although they had welcomed ideas from the disabled people involved they had been restricted in meeting some requests which conflicted with demands from non-disabled staff or service users. For example, the Communities Link Private HA experienced some resistance from staff to the setting of performance Targets by the Disabled Tenants Group, though this initiative was enforced.

# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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Likewise the Culture Link Regional Office reported that although the DED was welcomed by all staff, some expressed concern about the actual process, with staff in some of the organisations being unsure about what involvement actually meant or implied:

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“When I talk about involvement in this organisation it kind of freaks people out ... there is a lack of disability confidence in the organisation. That people don’t think we have to do exactly what disabled people tell us.”

**(Culture Link, Regional Office 1)**

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Similarly at the time of interviewing, the private HA was trying to provide disabled parking within residential communities. However, it had met opposition from non-disabled tenants, leading the HA to use the DED and the Equality Act (2006) to try and argue for the need to discriminate positively. The Communities Link Council HA also reported resistance from residents who lived near a planned residential site intended to accommodate people with mental health problems. At the time of the interview, it was liaising with its Disability Working Group to help the HA generate ideas about how this conflict might be resolved.

Interestingly, organisations that worked hard to embed their groups of disabled people into working practice produced some unexpected benefits. For example the Communities Link Council HA invited senior managers to every Disability Working Group. This not only benefited the members of the group in terms of understanding the more global issues that concerned the HA, but also allowed managers to gain a greater understanding of disability. This then informed the work they did away from the group. Indeed the Transport Target commissioned a disability-led organisation operating in its region to develop and deliver equality training for all its staff.

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Where disabled people are treated as experts, their involvement becomes more central to the working practices of the public body. This seems to be a critical step that needs to be taken further if an organisation is truly able to claim best practice, although inevitably certain restrictions may prevent this. For example, Communities Link Private HA said that its Disabled Tenants Groups were at risk of reaching a saturation point. A trial to involve the Group in Equality Impact Assessments had resulted in excessive demands on members. Possible solutions (that have emerged via discussions with the group) include splitting the group and letting sub-groups take turns in Equality Impact Assessments and reviewing policies. Likewise, the Transport Target reported a similar problem:

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“They [the group] don’t mind being a sounding board but they don’t want to become a consultant because they themselves ... in their individual groups, some of them earn money by being, by offering their services as consultants. So we have to be careful about how much we use them as a sounding board or a scrutiny panel.”

**(Transport Target, Senior Manager)**

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Another restriction, identified by many organisations interviewed, was the fact that many issues raised by their groups were either outside the organisation’s remit, or not feasible because of resource restrictions. However, where organisations took the time to explore what kinds of compromises might be appropriate, solutions were found.

### **3.7 Including ‘Hidden Groups’ of Disabled People**

In responding to the DED, many organisations revealed that they were able to highlight accessibility for certain groups of disabled people that had previously been poorly represented by equality and diversity programmes. People with learning disabilities or mental health problem were most likely to be advantaged by such initiatives. Even disability-led organisations, for example Communities Link Disability-led HA 1, revealed that their audit of services had brought to light people with learning disabilities or mental health problems who had been neglected and were under-represented on their boards or in senior management. As a consequence of the DED, this has been highlighted and the HA has subsequently sought to increase representation.

Other responses included that instigated by Education Target 2, which initiated its DES by setting up a National Panel for Learners with Disabilities and a Support Network for Learners with Mental Health Problems. This was done in recognition that these groups had not been well supported in the past and would benefit from a national group to represent their interests. In addition, the Transport Target responded to the specific needs of people with a visual impairment as they had previously been poorly considered in station design:

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“Just like recently, where we are in the process of trying to replace the lift in [rail network] stations, now there was an issue there, we wanted to make sure that, ok, people with visual impairment also have their say, because they are probably the most disadvantaged people when they enter the lift and the door closes.”

**(Transport Target, Equality Officer)**

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As well as revealing under-represented groups of disabled people, the DED also impacted by focusing attention internally, in organisations that were well experienced at meeting the needs of service users. Notably, the Criminal Justice Target reported a change in attitudes towards disability and reported that more staff were declaring an impairment whereas previously they may have felt unable to. Indeed one member of the Disability Working Group, who had mental ill-health, found the opportunity '*to represent the silent minority*' had been a positive experience. As well as representing others, members of the Criminal Justice focus groups gained personal satisfaction from their commitment to the Group. For example one person with a recent diagnosis of MS had been feeling low but felt that joining the group had helped.

Conversely the Education Link College had worked hard and been successful in involving disabled students in its response to the DED but had been unable to engage with staff due to problems communicating with its HR Department. This tension resulted from the HR Department reporting that only a handful of employees had a disability and they were individually supported. The Student Officer interviewed reported that many staff who had not declared were sidelined, suggesting that the College's response remained biased towards service users.

### 3.8 Summary

This chapter has explored how organisations have approached the specific duty to involve disabled people. It has examined how organisations have gone beyond consultation and how they have interpreted involvement. Although most organisations set up (if they did not already exist) staff and service user groups, there was less reported use of local organisations of disabled people. This may partly have been because some organisations found it difficult to engage with those who had been involved in activism (for example this was suggested by the Culture Target and is explored further in section 5.2) or had resisted contact to avoid generating negative feedback (as suggested by the Communities Link Disability-led HA 2).



## **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

---

As well as talking to disabled people, involvement required a sustained dialogue. While some organisations did this very well (the Criminal Justice Target's staff involvement, all the Communities Link HA and the Transport Target stood out), others found the dialogue disrupted (for example, the Culture Target). Others were unable to show much evidence of sustained involvement (the Health Target).

For involvement to go beyond consultation as defined in the original DRC Code of Practice, disabled people needed to be able to make a meaningful contribution to the organisation's response to the DED, to working practices and corporate strategies. Where this was achieved in practice (and again, the Criminal Justice and Transport Targets and the Communities Link HAs stood out) disabled people were treated as experts. In addition, disabled people were involved in training to facilitate their involvement, or ran training programmes for staff, were involved in projects outside the DES' Action Plan, were given feedback and were able to recognise their input on key decisions and policies.

Both a sustained and meaningful discourse is therefore essential in meeting the requirement to involve disabled people. This was required across the board of organisations and sectors. Some barriers to sustainability were sector specific where Target Organisations were unsure of funding or were unsure how long their organisation would exist (or where it was a new organisation).

# 04

## Mainstreaming Disability Equality and the Impact on Working Practice



**04**

## **Mainstreaming Disability Equality and the Impact on Working Practice**

### **4.1 Introduction**

This chapter focuses on organisational change in relation to the Disability Equality Duty (DED). It uncovers changes that were made and challenges faced by public bodies in order to mainstream their Disability Equality Schemes (DES).

Mainstreaming has become a popular term and primarily relates to the practical auditing of decisions, policies and plans within public bodies and government organisations to ensure that equality issues are considered. In addition mainstreaming can also be taken to mean the way the equality strands are protected within the legislation, and to what extent each strand has access to redress once discrimination has occurred. We acknowledge the importance of both aspects of mainstreaming; however, this chapter explores the former only.

## 4.2 Positive Outcomes

This section takes another look at the positive outcomes generated by the responses made to the DED and identified by this research. Drawing on examples presented elsewhere in the text we hope to highlight – and help to assess – the scope and nature of progress made to outcomes in general.

Positive outcomes were identified around the role of disabled staff and service user groups. An open-minded approach to the ideas generated in meetings of disability groups could lead to creative and novel solutions. For example, the Criminal Justice Link Police Force described early DES meetings as a '*moaning shop*' until they invited members to generate the solutions to the problems they had raised. When a request came from the group to have officers on buses (to combat the fear of attack on public transport), it had to be rejected because resources were unavailable. However, further exploration of this problem led to a decision by the Link Force to send officers out to patrol areas using public transport. So in effect police presence has significantly increased without major additional expenditure being generated.

## An In-Depth Examination of the Implementation of the Disability Equality Duty in England

Report for the Office for Disability Issues

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There was also evidence (from the Transport Target and two Communities Links) that outcomes could be enhanced when disability groups worked closely with senior managers, for example, where the latter attended group meetings, or provided feedback to the group's comments. The benefits were two-way. On the one hand, the groups gained a better understanding of how their comments related to the organisation's strategic and corporate goals; on the other, senior managers gained a better understanding of disability issues and this informed their wider decision-making. As senior managers were seen to increase their commitment to the DED and disability issues as a result of their contact with the organisation's disability group, other staff were encouraged to follow the example set. This 'change of mindset' was particularly noted by the Criminal Justice Target.

Although involvement with the disability groups clearly improved understanding of the staff involved, a number of participants also stated that they had gained a better understanding of the requirements of disabled people as a result of being involved in the development of their organisation's DES. This reflected the improved understanding of the DED generally and how mainstreaming could be achieved. Working through the duties connected to the DED, writing the DES and involving disabled people meaningfully was an effective process helping the participants we interviewed engage with disability issues.

An excellent example of this came from the Environment Target who introduced a '*green travel policy*' to reduce carbon emissions. Before its engagement with the DED, the Target admitted that it would not have taken account of disability equality issues within such a project. However, its response to the DED had increased its sensitivity to some of the barriers that disabled people encountered, and this recognition had been embedded into the new green travel policy by recognising that disabled people did not have the same opportunities to choose 'greener' travel options than co-workers. This recognition resulted in disabled workers not being penalised alongside non-disabled co-workers who did not choose 'greener' travel options to get to and from work.



The Transport Target generated a similar example. Its strong commitment to its duties under the DED had led it to initiate liaisons with private transport providers in the same region, to promote accessibility strategies to organisations not covered by the DED. These examples represent positive outcomes of the DED as they show organisations actively promoting the interests of disabled people.

Close working with disability groups also helped to highlight groups of disabled people previously 'hidden' to the organisation. Notably people with mental health problems (for example the Criminal Justice Target), visual impairment (for example the Transport Target) and learning disability (for example the Health Target) gained from the response made to the DED. This included the setting up of new initiatives to help support such groups of people (for example the second Education Target) and new mentoring programmes to help keep people in post (for example the Criminal Justice Target). The disability groups were so successful in promoting these hidden groups that staff were more likely to disclose impairment after the DES had been published in several organisations (notably in the Criminal Justice Target and one Communities Link).

However this trend was not detected in all the organisations involved in this research, with statistics generated in the education and health streams revealing no changes in the rate of disclosure. While staff and service users in these streams may have been more likely to disclose an impairment (for example, diabetes or cancer), they did not all consider themselves to be disabled.

In particular, the response to the DED encouraged organisations to develop creative ways of reaching people that they would not ordinarily reach. A key example was generated by the Criminal Justice Target, which used a stand at a major national conference successfully to connect with a huge range of people living within its own and neighbouring regions. The Education Targets and Environment Target used web-based promotion of key documents to aid their communication with groups that they had not previously been able to reach.



# An In-Depth Examination of the Implementation of the Disability Equality Duty in England

Report for the Office for Disability Issues

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One key impact of the DED had been to alter the view that some individuals held about disability equality. Indeed, some senior managers and equality officers indicated that they had originally viewed disability equality as an ‘*add on*’ or ‘*programme*’ but now recognised it was part of the ‘*business cycle*’ or ‘*core business*’. The Education Link College, the Communities Link Disability-led HA 1, the Health Target and the Environment Target indicated that they were trying to ‘*embed*’ the idea of disability equality and accessibility within the organisation.

That organisations are generating creative responses to the DED demonstrates a shift in thinking. Organisations were less likely to just promote examples of modifying physical barriers, or spending money. Rather they had become aware of the social and cultural barriers that disabled people face, and were able to generate examples of staff training, accessible websites and initiating support networks or mentoring schemes to help optimise the opportunities available for disabled staff and service users.

## 4.3 Other Outcomes for Disabled People

In this section, the impact of changes to working practices and mainstreaming on disabled people will be considered. It differs from the earlier section as it relates directly to the involvement of disabled people, and considers some relatively negative outcomes. Although all organisations were asked to generate examples of how life had improved for disabled people, very few were actually able to provide evidence of this. This shows that although public bodies had adopted positive rhetoric and reported that working practices had improved, they were unable easily to provide evidence that barriers to inclusion had been removed. For example, the focus group run with Education Target 2 revealed that the needs of a newly appointed member of staff (appointed early 2007, post-DED) who used a wheelchair, were not assessed prior to joining. As a consequence, adjustments were not made until after he had begun work. This would comply with Part II of DDA (1995 and as amended) but failed to match the intention of the DED, which should have removed barriers before they were challenged by an individual.

Education Target 1 was positive about the impact of its internal strategies on staff, but uncertain of its externally focused initiatives and could not say what the outcomes of the DES had been for disabled learners, stating that it was too early to tell.

## **Case Study 6 – Mystery Shopping**

**This case study from the education sector illustrates best practice in accessibility and leading by example through recruitment policy.**

**Education Target 2 had published its DES in different formats to improve accessibility. For example, some of its online publications were targeted at teenagers (though were available to anyone interested) and had addressed some physical access issues to facilitate focus groups and employees to meet.**

**It had also ensured that recruitment procedures were simplified after a mystery shopping exercise had revealed barriers. In addition practice had been changed to make sure that all employment opportunities were accessible to disabled people and advertised through disability-led networks.**

The Education Target 2 had also seriously begun to tackle equal pay for disabled people. An audit of their HR data revealed that disabled people were unlikely to hold senior posts and in response to this had initiated a positive action programme for disabled people to practise interview and application skills. Although this response was identified as necessary after an audit of working practices, it had not been used by a single employee and had in fact been criticised by some staff as patronising and treating disabled people differently.

## **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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Within the communities sector, initiatives whereby disabled tenants were housed in existing rather than segregated and artificially formed communities were celebrated as promoting disabled people in public life (one such initiative run by a Disability-led HA was given a Gold Award by the Communities Target). Similarly the Criminal Justice Target promoted greater employment opportunities and support for people in post and, again, reported generally less stigma about disclosing impairments:

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“One lady that we had, as opposed to getting rid of her through ‘not satisfactory performance’, we turned it round completely. We had big discussions over her condition, how we could help her and when she knew she was having a bad day and having a panic attack and couldn’t leave the house. Instead of phoning in sick, she rung one of us and said, ‘I’m having a bad day so I can’t come out the door. I’m happy to make that day up tomorrow, tomorrow’s a rest day’ and it turned around completely. She’s now got a hundred percent attendance.”

**(Criminal Justice Target, Focus Group)**

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While organisations were able to report some benefits for disabled people themselves since implementation of the DED, it is clear from the example above that they were also reporting organisational benefits.

## Case Study 7 – Group Action

This case study illustrates the use of clear terms of reference and joined-up governance within the organisation as an example of best practice from the transport sector.

The Transport Target's stakeholder group met five times per year. The group chaired the event themselves (rather than the Target chairing meetings), produced their own agenda and public body staff were present to answer questions raised by the group. The public body carried out administrative tasks for the group. In addition, the group was consulted by the Target if problems arose and was used as a communication Link between the Target and the disabled people in their region. For example, there had been two incidents where mobility scooter users boarding the transport system had failed to stop in time, hit the opposite door and then fallen onto the track. A ban was placed on the use of scooters for health and safety reasons unless the scooter was accompanied by an ambulant person. The working group was used to convey to disabled travellers that the ban could be lifted if a solution was found:

***We called a special session of that ... and then it was discussed and a press release came out then to inform people outside there that this is the new rule ... We are continuing to discuss until we come to another decision – because we want to be inclusive, we don't want to exclude anyone – we need, also, to consider the health and safety matters here. We then would see how effective it was to work with the Group.***

***(Transport Target, Equality Officer)***

It was also highlighted by a number of Target Organisations that they would continue to consult other members of the public and service users who were not formally involved in steering or working groups. This could be, for example, about the suitability of facilities. The Transport Target used its market research department to gather the views of disabled people in the region about a range of issues.

### 4.4 Knowledge and Awareness Raising

There was some indication of increased knowledge and awareness through the involvement of disabled people in the development of Schemes. Indeed a number of participants stated that they had gained a better understanding of the requirements of disabled people (though few provided examples of how this understanding had been incorporated in the DES itself). Most organisations admitted that they had gradually improved their understanding of the DED and how to mainstream it and therefore felt more successful in their implementation. However, there also seemed to be problems with particular staff members in all organisations who found it hard to understand disability issues and embed these in their thinking.

Through their involvement in DES development (and earlier DDA) Education Target 1 declared that although it did not carry out '*compliance checking*' for the DED of the educational institutions that it regulated, it was more aware of the outcomes for disabled children and learners and promoted this during site visits and assessments.

The organisations involved in this research mainly generated two strategies to increase knowledge and raise awareness of disability issues and the DED. One centred on disseminating activities that the public bodies were already carrying out, including staff training. It was hoped that this would improve knowledge and awareness of what was already known mainly throughout the organisation, but occasionally the general public and disability organisations were also targeted. The second type related to collating and gathering activities. This was intended to develop central knowledge about activities and to identify gaps in provision, with a view to using this information to inform Action Plans and, in some cases, dissemination activities.

#### ***Dissemination***

To disseminate, public bodies were mainly involved in the provision of information and training. Advertising best practice and publishing information internally raised the profile of equality within the Transport Target, though it was admitted that this had been '*hard work*'. Some dissemination activities were confined to internal magazines, either paper based or e-zines. Other Targets similarly planned to promote good practice around their organisation.

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Two organisations referred to having a central pool of information (regional or national) that stored policy and practice information of other organisations within the sector, which could be accessed by all organisations. In the Transport Target, this had been available prior to the DED. Another commented that this would have been a useful resource during the development of their DES.

The Environment Target planned to publicise the results of internal audits of their externally managed spaces through:

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“... accessibility specialists so that people who don’t normally have any contact with the natural environment and who enquire about accessibility will see us on there [website]; that’s changed what we’ve done before.”

**(Environment Target, Consultant)**

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It was the intention to reach out to ‘*new audiences*’. This idea of attracting new audiences was key to a number of the public bodies.

The DED had prompted training in many organisations. In most cases, equality and diversity training encompassed a specific focus on disability equality issues. Other forms of training included work around Equality Impact Assessments and Access Audits. Often training had been limited to certain numbers of staff, though the intention was to roll it out across all staff groups. There were few examples of the impact that training exercises had in developing staff attitudes, knowledge and awareness of disability issues.

However, some of the examples revealed that there were difficulties in encouraging staff to attend training. For example, some manual workers employed by the Transport Target did not see the relevance of the training to their role so did not attend. It was also commented by the Transport Target that a small number of staff continued to have poor attitudes following training; they became defensive and did not engage with the ideas. More positively it was thought that training programmes had changed staff attitudes in some organisations.



### **Case Study 8 – Rewarding Training**

**This case study from the health sector illustrates the use of training to promote awareness of disability issues.**

**The Health Target’s HR Department requested that formal recognition of disability issues were included as part of the Customer Care Programme. Participation in the four-hour training session had therefore become compulsory for all new and existing staff. This was considered to be an important step in highlighting disability awareness among staff and had been received positively:**

***The staff eagerness to learn had been phenomenal actually ... there’s been an awful lot of improvement in people’s attitudes.***

***(Health Target, Nursing Staff Member)***

**One of those interviewed at the Health Target had found that changing attitudes of staff had been apparent from the different type of complaints received from patients through her section. Overall, these had highlighted more positive feedback about staff when in contact with disabled people. Two additional training sessions were also conducted by a regional organisation for disabled people, led by persons with learning disabilities, alongside five or six other training sessions discussing disability issues over a two-year period at the Health Target. This helped to challenge stereotypes and raise awareness among different groups of staff.**

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Similarly, the Criminal Justice Link Police Force provided an interesting example: training had helped officers distinguish between cases where a person is '*feigning*' disability and genuine cases. This example is different from other training where the aim is to develop an understanding of disability and increase people's awareness:

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“Every single person they nick is either autistic, has ADHD [Attention Deficit Hyperactivity Disorder] or has epilepsy because they all try it on to get out of being arrested ... and so that clouds Officers' judgements and makes them very cynical. But if you give them the skills to recognise when someone's taking the 'mick' and when someone's genuine then they'll be much more confident.”

#### **(Criminal Justice Link, Police Force)**

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Training sessions offered by other public bodies were generally for one session only or e-training. Therefore questions were raised about what was the best approach to training. Some organisations thought tailored training might be useful, depending on an individual's role. For example, British Sign Language training was considered more appropriate for individuals working at the front line of service provision in the Criminal Justice Target. The Transport Target commented that the decision to deliver training through an internal staff development team or through an external company depended on staff attitudes. On occasion the Target had found that externally sourced training added gravitas to the messages put forward by the trainer and were taken more seriously by staff as a result.

#### ***Collating and Gathering Information***

As noted in the previous chapter some surveys undertaken in response to the DED demonstrated that more staff were willing to declare their impairment if the survey was anonymous and if the organisation promoted an inclusive environment for all staff. A key example of this was the Communities Link Private HA.

# An In-Depth Examination of the Implementation of the Disability Equality Duty in England

Report for the Office for Disability Issues

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Equality Impact Assessments (EIAs) were also used to evaluate new policies and activities. In the Environment Target, EIAs were carried out in relation to all business activities and in addition quarterly surveys of the organisation included an equality and diversity element. In the Criminal Justice Target and Education Target 2, EIAs were used to brief staff about the need to consult and involve disabled people and to remove barriers where possible. EIAs had not, however, been used by the Transport Target, though at the time of this study it had intended to complete them during a designated six-month period. The Target anticipated that its Disability Steering Group would be involved in assessing whether Impact Assessments were '*up to scratch*' in terms of progress and '*reviewing performance targets*' (Transport Target, Senior Manager 2).

Many public bodies were in the process of gathering information about the type and extent of disability related work carried out in their organisations. For example, accessibility audits of land, buildings and services were being carried out by the Communities Link Council HA 1. These included surveys and discussions with service users. The results of audits were used, or intended to be used, to promote good practice within the organisation, to promote services to service users, and to identify areas where action was required.

One person pointed out that in their organisation the DES may have had less impact on changing staff attitudes. Instead, the employment of disabled staff appeared to have a greater impact (Education Target 2, Equality Officer).

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## 4.5 Use of Disability Equality Duty in Decision Making

There was some evidence that increased knowledge and awareness of equality issues was having an impact on some of the decisions made by public bodies. For example, as already mentioned, the sustainability department of the Environment Target was responsible for introducing a '*green travel policy*' to reduce carbon emissions. Prior to the DED, it was thought that this policy would not have considered the requirements of disabled staff, but thinking about disability equality had prompted the organisation to consider the impact on disabled staff of having to use alternative forms of transport:

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“We are now looking at how we should be travelling ... whether we should be using more in the way of walking, cycling and public transport rather than relying on cars. Now that obviously has a large impact on the area of disability, we're talking about mobility. And we don't want to restrict people working for us who have those issues ... We're making sure that equality, and therefore disability, is embedded at the start of this rather than coming up with an option or a policy or a strategy and then going 'oh!' and find that we've created a problem for ourselves. And we wouldn't have done that 12 months ago.”

**(Environment Target, Consultant)**

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# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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An example of decision making within the communities stream revealed how the DED acquired status within one of the Link Organisations. Immediately after every meeting between the Communities Link Private HA and its Disabled Tenants Group, the Assistant Director met senior managers within the HA to implement decisions made. In such cases, managers who failed to attend were unable to participate in the decision-making process and therefore decisions were made on their behalf. This process ensured good attendance and participation.

On the other hand, some public bodies indicated that little account was taken of the DED in decision making:

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“All of the Managers in the organisation are supposed to buy into it and actually deliver on what it says, how it relates to their area of work, but I have to be honest with you that they’re generally pretty poor.”

**(Transport Target, Senior Manager)**

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In this organisation there were proposals to change the layout of the building, which would cause difficulties for disabled people if they had to evacuate in an emergency. This had not been considered or recognised at the planning stage, which led a senior manager to question whose responsibility this should have been or to what extent sufficient disability proofing had been implemented within the organisation.

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## 4.6 Financial Impact and Public Bodies

### Investment in the Disability Equality Duty

As mentioned in Chapter 3, there were mixed views of the financial impact of meeting the DED. Access Audit training within the Criminal Justice Target had enabled staff to identify where reasonable adjustments could be made with little or no financial impact. The Environment Target suggested that the cost of reasonable adjustments for staff was absorbed into general expenditure and was justifiable as it was associated with improved staff performance. One of the Communities Link HAs felt they had to defend the expenditure for running working groups, but also, critically, felt that it could economically justify the group in business terms:

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“In terms of cost benefit analysis, the group is fairly costly to maintain and keep running but in terms of spin-off benefits for the Housing Department, it’s ... more difficult to quantify but it’s actually improved our responsiveness to the kind of issues faced by our ... disability groups out there in the community.”

#### **(Communities Link Disability Housing Association (HA) 1)**

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The allocation of budgets within one public body clearly had an effect on the perceived financial impact of the DED. In this example, the Transport Target was undertaking a capital investment programme in stations, bus shelters and other infrastructure to ensure facilities were accessible for which there was significant funding. Staff training, however, was a significant cost, which had not been allocated a budget, and had to be funded through one of the transport senior manager’s personal budgets.



### **4.7 Influence on and from External Organisations**

Some of the Target Organisations did not provide services but were responsible for providing direction for other external organisations. For example, as an inspectorate body, Education Target 1 could have taken responsibility for checking whether organisations within its remit were complying with the DED, but felt it did not have the capacity. The Education Link College expressed regret that it was not inspected in this way and reflected that its last inspection had not mentioned the DED at all. While this College was working on its own terms rather than being influenced by meeting requirements set out by regulators (which fulfils the ethos of the DED), the College felt that such pressure would prompt a response from other institutions less keen to engage with the Duty (pressure was required to persuade some other colleges to publish their Schemes as it was claimed that a substantial proportion had managed to avoid this in the absence of regulation of the DED).

Similarly, the Communities Link Disability-led HA 2 criticised the Communities Target for not placing a requirement on HAs to make a sustained and meaningful response to the DED. This HA wanted the Target to go beyond requiring HAs to develop Action Plans and do more to promote Schemes. Within the environment sector, criticism was directed by disability organisations at the Environment Target for also failing to regulate the implementation of the DED on its associated organisations. It was hoped by the Environment Link that this role would develop when the Environment Target became more established. The findings suggest that some organisations take more notice of the non-departmental public bodies (NDPBs) and departments that regulate them than they do of the legal Duty.

The Transport Target reported that it had been in discussion with private regional bus operators and transport plan partners to promote disability equality and ensure it was included in forward planning. Specifically this had included ensuring all buses operating in the region were accessible. These negotiations were reportedly undermined by the Department for Transport, which reached a private agreement with private bus operators about the deadline for 100% accessible bus fleets. As we were unable to verify this account with the Department for Transport, we are unable to conclude why this decision was made.

As stated previously, the DRC had been influential in its provision of advice and support to public bodies. Indeed as a result of its pressure, the Communities Target eventually placed a duty on HAs to produce Action Plans (though all HAs consulted for this research opted to complete a DES too). The DRC also insisted that the issue of lifetime homes should be central to the Communities Target's DES. There is evidence from the Communities Target that it resisted this directive by using user groups of disabled people to challenge the need for lifetime homes Targets. This is reported by Communities Link Disability-led HA 2 and discussed in Chapters 3 and 5.

The DRC had also managed to 'encourage' swift and total compliance with the legislation by notifying bodies of the likelihood of enforcement action. Conversely, the majority of organisations that participated in this research reported that the EHRC had been much less involved.

Most organisations regretted the absence of such a strong influence with the exception of the Criminal Justice Link 2, which had found the DRC's line '*aggressive*', and Education Target 2, which felt that although the strong message from the DRC was useful in the early days of the DED, it was now ready to take forward the scheme itself. Education Target 1 reported that the dissolution of the DRC and emergence of the EHRC had disrupted its progress in developing a Single Equality Scheme, and had gone as far as halting progress until it had a clear direction from the EHRC. To restate an earlier point, the interviews did not suggest that the EHRC was inactive, only that public bodies would appreciate a greater involvement of the Commission in providing guidance to help them meet their duties under the DED.

Education Target 2 was unusual in this research as rather than reporting to a ministry or government department, it reported directly to the Secretary of State. Indeed, the Secretary of State had required Education Target 2 to include certain initiatives in its Plan. For example in response to the Secretary of State's mandate, Target 2 had initiated a project that aimed to focus on the barriers that had prevented disabled people from entering higher education, further education, training or employment. This project was included as an example of their response to the DED, although the scheme originated elsewhere.

### **4.8 Summary**

With the exception of the Environment Target who had agreed that the deadline could be extended to December 2007, all Target Organisations had managed to publish their DES by the December 2006 deadline.

Although all organisations used performance measures to assess their success in reaching targets, few had collated information on how well they were meeting their Duty to promote equality for disabled people. Though some could generate some very positive evidence that the DED had impacted on their service users and employees, these tended to emerge anecdotally rather than be recorded alongside formal performance measures. This suggests that mainstreaming of the DED has not been fully achieved. However, many organisations hoped that they would be able to provide hard evidence that their response to the DED had impacted positively on disabled people after their year two review.

A meaningful response to the DED in terms of working practices required a financial investment. Many organisations had taken advantage of grants to provide greater accessibility for disabled people but had been held back from delivering other elements of their Action Plans (for example, training) due to a lack of resources.

# 05

## The Influence of the Disability Equality Duty and Guide to Best Practice



**05**

## **The Influence of the Disability Equality Duty and Guide to Best Practice**

### **5.1 Introduction**

This chapter focuses on the influence the Disability Equality Duty (DED) has had on processes and practices within public sector bodies and beyond and discusses general issues about the legislation. It looks at the way that organisations have reacted to the DED and how it has impacted on the way they now treat disabled people and disability issues.



## 5.2 The Disability Equality Duty and Disability Equality

The DED has changed the way many organisations have approached disability equality. The DED is one part of a stream of policy that has aimed to tackle discrimination faced by disabled people. While the DDA has gone some way towards establishing disability as an equality issue, the DED has produced a different response. The DED does differ significantly from the DDA and these differences were noted by many. It has shifted attention from what one described as '*technical issues*' where the focus has been on for example, access or the design of houses, to focus on broader equality issues. This has led to what one Link Organisation termed a '*change of mindset*'. The Equality Officer of the Criminal Justice Target described its impact:

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"There used to be a lack of knowledge and understanding of disability; but once staff see disabled colleagues working effectively and contributing positively, attitudes change and commitment to the Disability Equality Scheme grows."

**(Criminal Justice Target, Equality Officer)**

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Disability is now firmly located within an equality agenda. We did not encounter any individual who described disability as a medical problem. The problems faced by disabled people are now seen as being social in origin and many organisations now see that they have a duty to promote policies and practices that help tackle the exclusion experienced by disabled people.



# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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The DED is one arm of a three-pronged attempt to tackle discrimination and is closely related to similar duties aimed at tackling discrimination on the grounds of race and ethnicity and gender. This adds to what could be described as a climate of inclusion. It has promoted an atmosphere of anti-discrimination and reflects a new awareness of equality issues, something that many of our interviewees commented on:

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“Not just the government or [DRC], but ... society expects ... public services to improve things for people. And actually in particular disabled people.”

**(Communities Link Disability Housing Association (HA) 2)**

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The whole promotion of equality through the development of equality duties has also had an impact. The three Equality Duties, although similar, have slight but significant differences. The DED was seen as being the most demanding by many because it placed a much greater emphasis on the need to involve the views of disabled people in the development of the DES and individual Action Plans and their Impact Assessment. Other Duties were seen as being less strong in this area:

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“Now the Disability Equality Duty, though, I think is really strong because the whole issue about involving disabled people ... the DED is by far the strongest. The Equality Impact Assessment is far more robust.”

**(Culture Target, Senior Manager)**

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The DED has had an affect on the discourse that surrounds disability equality, as we have shown throughout this report. How effective this has been in changing practice and promoting disability equality forms the next section of this report.

### 5.3 Organisational Change and Progress Towards Disability Equality

The DED has had some positive impacts on changing organisational structures and reducing the barriers faced by disabled people, but this progress has been mixed. When asked what the impact of the DED had been on their organisation and on their progress towards promoting equality of opportunity for disabled people, many organisations that participated in this research found it hard to point to specific evidence. While most felt that things had improved, these feelings were based on what one described as '*intuition*'. Some interviewees felt it was perhaps too early to look for and find concrete examples and were reticent to make any claims.

Despite these reservations we uncovered some examples that support the suggestion that the DED has enabled the proactive promotion of policies to tackle the discrimination faced by disabled people and to do this within an environment that does not suggest that such actions are '*political correctness gone mad*'. The DED has an ideological as well as a legal effect and its very existence has reminded public sector bodies that they have a duty to promote equality of opportunity and positive attitudes, eliminate discrimination and harassment and encourage participation by disabled people, taking steps to take account of their disabilities. It has also helped to bring disability policy to the attention of a range of employees who might not previously have considered it as an important part of their job:

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"I just think it's a good opportunity to talk to people like Radiographers who perhaps wouldn't have any exposure to people with learning difficulties and listening to them speak ... it kind of removes the stereotypes, fear factors. 'Are people with learning difficulties people with mental health conditions' type conversations, stuff like that."

**(Health Link, Organisation of Disabled People)**

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## An In-Depth Examination of the Implementation of the Disability Equality Duty in England

Report for the Office for Disability Issues

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These claims are of course only that and although there has been a change in language on disability we have gathered less evidence on how practice has changed. Though much has been asserted throughout this report, most organisations initially struggled to identify improvements to policy and practice. Our interviews uncovered some hard evidence that points to the possibility of conditions improving for disabled people in some of the organisations we surveyed. As we have pointed out earlier, prior to the DED many had little idea of the number of disabled people who worked for them and those that did thought that the figures were very low. In one HA, for example, rates of self-declared disability among staff had risen from 1.3% to 10.6%. The interviewee felt that this may in part be due to a recognition among staff that it was now *'safe to self declare'*. Similar comments were made by the Criminal Justice Target.

In many of our focus groups parallel sentiments were expressed, both by staff:

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“I think there’s some people who have got some form of disability, they’re more keen ... they’re more open to actually declaring because in years gone by, there was this big fear of will the job get rid of me? Will I be unemployed ... now the understanding that by declaring disability, that people will actually work with you, so I think there are more people now registered.”

**(Criminal Justice Target, Focus Group)**

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and by service users:

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“From our point of view, from considering being involved in disability issues for a long time often found that it was one step forward and one step backwards, I feel as though this is going at a reasonable pace, and I think there’s been huge changes in the last five years compared with what we had before.”

**(Transport Target, Focus Group)**

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It also appears that organisations have been successful in producing schemes that target either their customers and service users or their staff. It was rare to find an organisation that had been successful in both. For example the College had implemented a range of initiatives targeted at disabled students but had failed to produce any for staff, while the Criminal Justice Target had achieved much more in meeting the needs of its disabled staff than its service users.

There is little evidence to suggest that disability policy is mainstreamed and that all policies are ‘*disability proofed*’. As reported earlier, we found one example of such thinking. The Environment Target has recently tried to implement a ‘*green transport policy*’ and promotes the use of public transport, cycling or walking by its employees when they attend meetings, conferences or seminars both locally and nationally. This obviously has the potential to impact on disabled people and this has been taken into account in planning. Overall disability proofing and mainstreaming are still very much at an aspirational stage.

In some cases, there is undoubtedly a degree of dispute between the claims of equality officers and Disability Champions and those of disabled people, as we have pointed out in Chapter 3. The DED has required organisations to engage with disabled people, many of whom have responded to the opportunity with energy and commitment. Some organisations have engaged with some of these people, especially those with a history of activism, challenging and demanding.

# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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This applied particularly to the Culture Target:

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“Disability Arts can be very ‘dogmatic and sectarian’, they think we’ve not done enough, we’ve had to disinvest in some arts organisations [and this] created an ‘antagonistic climate’.”

**(Culture Target, Senior Manager)**

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We heard claims that some organisations had deliberately tried to sidestep such activists. When conflict like this emerges, there is clearly a need to try and work through it. However, it seems that some collaborations formed to respond to the DED have led to friction between disabled people and some of the organisations we surveyed:

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“It can take a long, long time to actually get to a starting point where you’re actually working together rather than one shouting at us ... and then us going ‘Whatever’.”

**(Culture Target, Equality Officer)**

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Of course this kind of friction may be an inevitable effect of closer working and it is not argued that it is the ‘fault’ of the DED.

## **5.4 Future Directions**

This research was conducted to coincide with the first-year reviews of the organisations involved. The Targets and their Links were asked to consider how their experiences in the first year of implementation would impact on their plans for the second and third years of their three-year strategy. How organisations intended to take the DED forward was difficult to predict. From our interviews it appears that few, if any, intend to make any changes to their Action Plans or DES in the light of their experiences in the first year. This is despite some organisations not fulfilling all their first-year Targets.

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There is some evidence of organic development. The Transport Target and two of the Communities Links were continuing to work with their Action Plans but had generated other schemes and initiatives, largely inspired by and involving their groups of disabled staff and service users. These new programmes of work have not been written into the Action Plans for years two and three. Thus when we were expecting to see Action Plans developing in response to the year one review, this was sometimes not the case. It also shows that the DES and Action Plans need not restrict new initiatives.

Related to future directions, the interviews and focus groups raised concerns around the future regulation and assessment of the DED. There is some evidence to suggest that some organisations have ignored the views of disabled people or failed to fully involve them and take account of their views. There is some suggestion that there is a lack of accountability and awareness of the involvement of disabled people and that this has been amplified by the closure of the DRC and its subsequent replacement by the EHRC. A major strength of the DED lay in its legal backing and with it the possibility that, unless complied with, executives could be subject to judicial review. This point was made very forcibly and clearly to many public sector bodies by the DRC, who were seen as being the most active of the three commissions in the enforcement of the Duty. The DRC, as we have discussed previously, has, in the main, been seen as a very strong and useful advocate of the DED and some concern was expressed at its closure:

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“DRC: the support was excellent, really good advice. The Code of Practice they produce was absolutely excellent. We used it, you know, almost literally like a bible – but, from the EHRC, you know, I can’t see too much activity.”

**(Culture Target, Senior Manager)**

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Many felt that the closure of the DRC has resulted in a loss of focus on disability issues.



# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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Although not directly a focus of the research, the proposed Equality Act was also cited as an area of concern by a number of organisations in the research. The Act and the use of Single Action Plans were seen as potentially diluting the impact of the DED:

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“Obviously we’re terribly concerned that in fact what the Single Equalities Bill does is just, will turn in to a kind of swamp of well-meaning actions that are completely unenforceable, and more importantly weaken what was set up in terms of the disability, which was again really specific, and the kind of bodies we were dealing with understood it, you know they kind of did get it; they might not like it, they might see it as another set of regulations they didn’t want to deal with, but they understood the Equality Duty.”

## **(Communities Link Disability Housing Association (HA) 2)**

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Some organisations were considering how their schemes might fit into a Single Equality Duty. Though the second Education Target had instigated a Single Equality Scheme with little problem, others, notably the Communities Target and the Transport Target, were far more cautious. The move to a Single Equality Scheme, if it becomes a legislative requirement, will prove challenging to the organisations involved in this research. It is important to note, though, that this theme emerged for a minority of respondents. The Health Target for example gave no indication of how it would implement a Single Equality Scheme.

As discussed in Chapter 1, the Discrimination Law Review has recently recommended the adoption of a single equality duty (CLG 2007). Only one organisation that we surveyed had opted for a Single Action Plan. Their experience would suggest that some of the concerns expressed above are unfounded. One of the Education Targets has developed a plan that includes all six equality strands and both the staff and members of its disabled reference group were very happy with the outcome, although all were aware of some of the risks:

“There is a risk clearly in getting the balance right between seeking to get equality across a whole range of areas where inequality creeps in and at the same time making sure that you don’t, within that, lose the focus and the progress on individual elements whether it’s to do with learning difficulties and disabilities or whether it’s to do with a discrimination based on race or ethnic background or religion or gender. So I think ... that there is a risk there which is why ... having these Champions is so important.”

**(Education Target 2, Senior Manager)**

They felt that because they had appointed a specific Disability Champion and had developed a specific disability reference group they had been able to maintain a distinct emphasis on disability within the Action Plan and that the interests of disabled people had not been watered down. Clear guidance is essential in this area as policy is rapidly developing.

This last point links in with issues around the importance of external agencies. Although to date the previous input from the DRC has not been replicated by the EHRC, it appears that other agencies, such as local organisations of and for disabled people, the Disabled Employers Forum and other such groups have also not been routinely included in the development and Impact Assessment of the DED and its Action Plans.

### 5.5 Implementation

As we have pointed out earlier, the implementation of the DED has been variable across the various public sector bodies we have examined. Some have put a great deal of effort into establishing their scheme and involving disabled people and attempted to comply with both the letter and the spirit of the legislation, while others have been less than enthusiastic in adopting it. In this section we draw on implementation theory to try and construct an understanding of why this has happened. This section starts with a very brief review of implementation theory and how it applies to the development of public policy.

Implementation theory is widely used to understand decision making in economics but is also applied to policy studies. Pressman and Wildavsky (1973) are seen as the founding fathers of public policy implementation research. The use of implementation theory allows, according to Marsh and Walker (2006), both a top-down perspective, as characterised in much of the early research, and a bottom-up approach. The early work looked at those who formulate policy and tended to focus on policy failures and ‘implementation deficits’. Since the 1980s implementation theory has taken a bottom-up approach, focusing more on those responsible for putting policy into practice.

The work of Michael Lipsky (1980) is key here. He coined the term ‘*street level bureaucrat*’ and argued that how policies are actually put into action depends on the activities of those who implement it, not those who design it. People shape the policy not just according to their own understanding of it, but also how it fits with their current working practices, routines, values and interests. People at this level can reshape policy or pervert policy intentions, although on the more positive side they can also play a creative role and policy is continually created and recreated through the implementation process (Murray 2006).

Lipsky argues that those who have to put policy into practice are very likely to do so badly or at least not as intended, in order to cope with working pressures. Time and resources were cited by many small and large public bodies in this study as a constraint on their response to the DED and on their ability to include disabled people in its development and implementation. The Culture Target argued that the establishment of priorities in its Action Plan was, to a certain extent, controlled by budgetary concerns, as discussed in Chapter 2, and this dictated in what order plans would be completed rather than allowing disabled people to priorities the Action Plan items.

A Communities Link HA, as a small organisation, echoed these frustrations of responding to the DED. Whereas some Targets had access to a team of equality specialists to respond to the Duty, smaller organisations could only afford to allocate one person to the role part time, and that person was also responsible for overseeing the race and gender duties.

In some organisations responsibility for the DED was placed in the hands of HR who, because of their focus, emphasised internal staff issues, suggesting there was a risk of neglecting disabled service users and customers. This seems to have happened particularly in the Health Target. HR was internal lead in the Criminal Justice Target dealing with staff matters while the Community Cohesion and Diversity Team dealt with the DED in relation to the public.

The Targets set by organisations and the groups they aimed to work with were also often controlled by individuals. The Health Target, for example, as we have pointed out earlier, focused its DED on the needs of those with a learning disability. This tactic was not the result of negotiation but due to the personal interests of the Disability Champion. The legislation attempts to ensure that this does not happen by demanding that organisations consult disabled people. It is regulated by the EHRC yet almost all participants were unaware of who was regulating the legislation and whether they had any responsibility to send the 'proof' of meeting the duty to any agency outside their own organisation. If regulation is to work, then organisations need to be clear who is doing the regulating and how, otherwise such discrepancies will continue.

# An In-Depth Examination of the Implementation of the Disability Equality Duty in England

Report for the Office for Disability Issues

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Paradoxically, implementing the legislation and developing Action Plans through user involvement can also weaken the impact of the legislation. For example one of the HAs we interviewed described how many housing organisations were aware that they could take more action than what they had proposed. However, because their Disability Advisory Group did not know all the options and they were not informed about them they did not have to take the action. For staff and users to be involved rather than consulted, they need to be informed and aware of the wider strategic issues which their contributions inform.

## 5.6 Best Practice

It is clear from this research that many organisations have changed policies and practices to support disabled staff and service users for the better. Examples of good practice have been identified throughout the report but these have been highlighted as models which could be emulated elsewhere, rather than as typical of the overall state of progress, which was mixed. The multi-dimensional nature of the DED means that we have listened to often conflicting accounts of practice. In many organisations that participated we received contradictory views of what worked and what did not from the management and from disabled people. Not only was there conflict between the two groups, there was also some conflict *within* the groups. For example, in focus groups with disabled people we heard conflicting views about their experiences of involvement in the development of the DES in the Criminal Justice Target, with some participants describing the process as positive while others felt they were not heard.

### 1. *Commitment and resources*

In general our data would suggest that those organisations which were most successful in involving disabled people were those that not only showed a commitment to and understood the principles behind the DED, but also resourced the policy, were flexible and clear about what they hoped to gain from the disabled participants, and set out comprehensive boundaries and parameters. To be successful these had to articulate clearly the extent and nature of the involvement and notions of governance. As suggested when reviewing the case studies, possible additions to good practice could be evidencing outcomes through monitoring and measurement tools such as staff and user surveys.

## **2. *High level support and multi-level input***

High level support in the DES developmental process was identified as an exemplar of best practice. This was found within the Culture Target where an Executive Director oversaw the development of its scheme and also within the Criminal Justice Target. A respondent from the Environment Target asserted that the DES should be driven from the top with senior staff buying into it wholeheartedly.

## **3. *Using a range of involvement methods***

Best practice is further illustrated by the use of a full range of involvement methods. For example, the Criminal Justice Target involved disabled people at different levels (volunteers, long-standing groups, higher level involvement), used a range of recruitment methods to engage with disabled people (advertising among staff; use of long-standing groups), and had structured governance and reporting arrangements.

## **4. *Ownership and clear remit***

Successful involvement occurred where a disability steering group was part of and embedded in the organisation's committee cycle. Disabled people need ownership of the DES and Action Plans and to be able to recognise their involvement in the published document. The relationship between the steering group and the organisation also has to be clearly defined and a two way relationship must be established. The lines of responsibility also have to be clearly defined and the limits of the group outlined. It is important that the organisation and the disability steering group share the same expectations and are both aware of the scope, range and limit of their responsibilities and powers. In the Culture Target these were not clearly defined, disabled people did not see their contribution reflected in the DES and conflict resulted. In contrast the Transport Target clearly defined the parameters of its group and established clear lines of communication between the management and the steering group and as a consequence the resulting relationship was seen by both sides as being very fruitful and successful.



# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

---

The Communities Link Council HA 1 always invited senior managers to contribute at meetings and work with group members to highlight possible solutions. Similarly the Communities Link Private HA met all senior managers immediately after each Disabled Tenants Group meeting to decide how they would respond. Finally the Transport Target had started using their group of disabled staff and service users to help it improve all policies.

## **5. *Joined-up governance***

Joined-up governance between national and regional offices was also identified as best practice. Schemes should be made workable, useful and meaningful so that they have practical value (in the context of organisational priorities and tensions that can exist between national strategy and regional implementation). Education Target 2 recognised this issue and sought to overcome it. Its Equality Steering Group was generated from the regional offices and worked as conduits of information or ‘ambassadors’ to advertise the work done in response to the DED.

## **6. *Involving locally and recognising expertise***

Using local organisations of and for disabled people was found by many to be the best way to recruit disabled participants and to get information on local issues. Local organisations are best placed to act as guides to local needs and as a source of informants and participants as they hold a great deal of expertise.

Where local groups are used, best practice involves paying them a consultancy rate. Consultants can be used successfully for specific tasks, such as policy scrutiny or Impact Assessment or to manage user involvement. The use of consultants to produce the DES is not recommended and they should not replace in-house staff groups and disabled reference groups as this threatens a sustained response. This sort of work is best done by local organisations of and for disabled people. Those organisations that were most successful recognised the demands they were now placing on their user groups and some of this could be relieved by the use of local organisations of and for disabled people.

## **7. *Raising awareness***

Best practice was also achieved by ensuring that as many staff, customers and service users as possible were aware of the scheme and its development. Some organisations tried using their website to promote the scheme and to encourage involvement. This, on its own, was not good enough and those organisations that had the best record of involvement had taken imaginative steps to achieve this. Some organisations, such as one of the Communities Links and the College, were able to survey all their users through pre-existing networks. The Criminal Justice Target for example took a stall at a major national exhibition (a large mobility show). They used British Sign Language interpreters for the full three days of the show. This was an imaginative initiative, and attracted huge interest and attention. It brought the Target into contact with groups of users and carers they would not otherwise have communicated with and through the use of questionnaires at the stall it enabled them to get information and feedback. It also identified individuals who wished to be consulted about the DES.

## **8. *Training***

Meaningful involvement is enhanced where training has been available to disabled people. The Criminal Justice Target supplied training at the beginning of involvement. The Communities Link Council HA 1 spent its early sessions training its group in the Association's working practices and acronyms so that the group was able to contribute meaningfully. This is best practice not only because it optimises contributions, but because it is seen as an investment in the group, allowing members to perceive themselves as experts; these factors work together to help sustain involvement.

## **9. *Providing accessible information***

If disabled people are to be involved and to feel valued it is essential that the organisation provides information in accessible formats. This includes not just large print or Braille and the use of BSL but a range of other activities such as Palantype stenography, the use of easy read and other pictorial methods and seeking innovative ways of holding meetings. One of the Culture Target Links was very successful in this and was able to develop a relationship with a range of disabled people with a variety of impairments.

# An In-Depth Examination of the Implementation of the Disability Equality Duty in England

Report for the Office for Disability Issues

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## **10. Leading by example**

Some of the organisations we interviewed had been exemplary in particular aspects of their policies under this legislation. The Criminal Justice Target, for example, had an excellent reputation in employment of disabled people. It had achieved this through a range of innovative programmes. These included offering disabled people an initial 12-month ‘taster’ contract and working closely with a not-for-profit organisation which aims to promote employment opportunities for disabled people. At the point when this research was carried out, 140 people had been through their programme and over 60% had achieved a ‘*substantive role*’ in the organisation. Other areas included specific issues to help people with a mental health problem, such as setting up mental health support groups. These not only gave people with a mental health problem the space to discuss pertinent issues they faced at work, they also helped people feel supported and may have enabled some to continue work.

# 06

## Conclusion and Recommendations



06

## **Conclusion and Recommendations**

### **6.1 Conclusion**

It appears from all our interviews and much that we have discussed in this report that there has been a change in the perception of disabled people and disability by many organisations across the public sector.

This change is reflected in public sector organisations' view of their own staff and in their view of their clients, service users and customers. Organisations are now more likely to refer to disability as a political and social rather than a medical issue. Interviewees argued that the disadvantage experienced by disabled people is seen as the result of practices that result in institutional discrimination and oppression. It would appear that disability is now firmly encamped within the equality agenda and the response of many organisations is no longer to try and change the individual but to counter discrimination by implementing appropriate policies. It was rare for us to encounter any participants who tried to discuss disability as a medical or individual problem.



If these findings are compared with earlier writings, for example the review of social policies for disabled people by Oliver and Barnes (1998), there have been significant changes in this area. Oliver and Barnes argue that policy throughout the 1990s was dominated by an individualistic approach to disability and that there was very little evidence of involvement of disabled people in planning and implementing services or policies.

How much of this was the result of the DED is of course open to debate. The last 20 years have seen a radical shift in social policy for disabled people and the claimed adjustments in disability policy reported by our interviewees have to be linked to broader changes in social policies for disabled people since the early 1990s. This includes not only policies that are aimed directly at challenging the discrimination faced by disabled people, such as the Disability Discrimination Act 1995 (DDA 1995) and its subsequent amendments, but also other legislation such as the National Health Service and Community Care Act 1990, the Community Care (Direct Payments) Act 1996 and the Education Act 1980 as amended. Organisations of and for disabled people have also been very active in this area and have, since at least the 1960s, proposed a variety of initiatives which aim to tackle discrimination and promote independence and autonomy for disabled people. These have all served to create a culture of inclusion, one where the prevailing discourse, if not the practice, is the generation of policies that aim to challenge the exclusion and oppression of disabled people.

These interviews were all carried out at a very early stage in the implementation of the DED and some of the outcomes claimed by the participants may have been clouded by claims that changes have been made by the DED when in fact they have occurred previously under earlier legislation and related changing practices (most notably the DDA). For example, many of the changes noted in the theatres and art centres around disability access have been progressive and ongoing for a long time and it is difficult to determine where the influence of the DDA ends and the DED begins. The impact of the DED therefore has to be discussed in light of this policy history and we acknowledge that some of the claims made on its behalf in this report might be due to earlier legislation.



# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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The 2007 Equality Review criticised equality duties, in particular the Race Duty, for focusing more on process than outcomes. Our findings would suggest that there is some evidence of a similar trend in regard to the DED. Much of the work described by the organisations we interviewed focused on setting up the DES and developing the Action Plan. These processes are now all well established but there appears to be little attempt to monitor actual outcomes or to change strategy. With one or two exceptions, little attention had been paid to disability proofing and to the mainstreaming of disability equality. The fact that we were given few if any examples of specific evidence here would support this claim. It has been difficult for organisations to commit fully to Impact Assessments. This is perhaps because of the amount of work that such action demands, increasing burdens for organisations and members of their disability advisory groups.

The general duty to promote disability equality applies not only to public authorities, but also to private bodies that perform some public functions insofar as those public functions are concerned. This appears to be a very grey area and the legislation provides no further guidance on the application of the Duty to the private sector. Though this issue was not an area of investigation in this study, a little evidence emerged to suggest that the DED is not having much impact on the private sector beyond those sections that are carrying out or are deemed to be carrying out public functions. This is despite attempts by the DRC to promote the DED and widen its impact. It is perhaps too early in the history of the DED to expect much change in this area but this subject needs further examination and perhaps better guidance from the relevant authorities.

There is a lot of variation in the way that organisations across the public sector are implementing the elements of the DED. We found differences in the way that organisations are interpreting the legislation, are involving disabled people and are implementing their Impact Assessments. There is a danger that without adequate regulation organisations will impose their own interpretation on the duties placed on them by the legislation and that much of the potential of the DED will be lost. Unlike the DDA, where an individual can take an organisation to court, the DED is a complex piece of legislation and requires oversight by a regulatory authority, and this authority must have an ongoing relationship with the organisations if the legislation is to be successful and achieve its desired aims. We are at a critical point in the development of this legislation and in seeing anti-discrimination practice and realising organisational change through taking proactive steps to meet the needs of disabled people, both as employees and as customers or service users.

The DRC set out clear standards and objectives at the start of this process and established clear lines of communication with the relevant layers of management. Many of the organisations endorsed the ideas behind the DED. Overall, however, their response to it has been variable, piecemeal and local. All the organisations interviewed in this study can give good reasons for their variations from the standards laid out by the DRC. Nevertheless, steps need to be taken to ensure that public sector bodies continue with the efforts that they have already made in this area in order to ensure that they do not become complacent or diverted from their task, leading to dilution of the DED.

### **6.2 Recommendations**

In light of the findings set out in this report, this concluding section outlines a series of recommendations from the study. They are generated as a result of the analysis of interviews with seven Target authorities and their Link Organisations. They therefore represent the conclusions of the research team rather than the Office for Disability Issues.

1. Many organisations would like the EHRC to carry on with the good work started by the DRC and, specifically, to monitor the implementation of the DED. It should ensure that Action Plans are just that and that they do not just focus on process but on outcomes and that these outcomes are impact assessed. Both Equality Impact Assessments and Action Plans should be monitored to ensure that progress is ongoing.
2. Developing the DED cannot take place without adequate time and resources. Those organisations which have been able to develop the DED have demonstrated a new level of organisational confidence and recognised tangible benefits in areas such as improved ways of working.
3. Organisations need to focus attention on tackling discrimination faced both by their customers and service users and by their staff.
4. It is recommended that the impact of the DED on the private sector, and what and who are defined as private versus public sector bodies, should be examined.
5. For the DED to be successful and achieve its aims it needs a Champion within the organisation at a high level of leadership. The organisation must allocate enough time and resources and this must be monitored.

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6. The DED requires a commitment by organisations to ensure that it is sustained and that the involvement of disabled people is meaningful. These two themes are interdependent and thus difficult to separate. If these are to be achieved the following guidelines for sustainability and involvement must be considered:
- There should be a stable workforce who could oversee the entire development of the DES within an organisation that has the budget, time, resources and commitment to manage groups involving disabled people.
  - Responses to the DED need to be instilled in the budgeting process. Specifically, a ring-fenced budget allows groups to recognise that they are valued, and also allows them to see that there is a commitment to future engagement. This also recognises that in the short term the involvement of disabled people will generate costs for organisations (some evidence emerged that such investment in involving reference groups might be recouped as working practices are streamlined and organisations become more cost-effective).
  - Meetings are accessible. This may mean that they are held using email or telephone communication systems rather than face to face. It has also helped some organisations sustain groups where staff have been willing to travel around their region to visit the groups.
  - Careful thought should be given to appropriate use of external consultants, who should not be hired as an alternative to involving disabled people.

# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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To summarise our findings, in the organisations we interviewed, meaningful involvement occurred where:

- disabled people were given real opportunity to influence decision making with due regard for timing, rather than being merely consulted on pre-formulated plans
- meetings with disabled people were also attended by senior managers who could immediately comment on contributions and work closely with ideas generated
- training and reading were supplied for disabled people in advance of their involvement so they are well informed
- feedback was given routinely to the group
- feedback included evidence that Action Plans, the organisation's DES and other policies are informed by the contributions provided by disabled people
- diverse strategies were used for involving disabled people; attention should be given to including individuals or groups representing the other equality strands, the range of barriers faced by disabled people and the spectrum of relationships within the organisation (between service users, staff, unions or disability-led organisation)
- meetings went beyond personal agendas and anecdotal complaints to a recognition of disabled people as experts who are encouraged to comment on corporate policy and working practices.



# 07

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# An In-Depth Examination of the Implementation of the Disability Equality Duty in England

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# 08

## Appendices



# An In-Depth Examination of the Implementation of the Disability Equality Duty in England

Report for the Office for Disability Issues

## Appendix A: Table of Participants

Overview of Respondents in Each Stream (bullet points used to indicate that more than one interview was conducted at a particular level)

Target	Position Interview 1	Position Interview 2	Focus Groups	Link 1	Link 2	Link 3
<b>Stream 1: Education Target 1</b>	Officer	Senior Manager	Employees involved in developing Education Target 2's DES	Equality and Diversity Policy Officer Education Target 2*	Senior Manager Education Target 2	Equality and Diversity Officer FE College
<b>Stream 2: Culture Target</b>	Senior Manager	Senior Manager	Three disabled artists involved in early discussions about responses to the DED	Senior Manager Large Arts Venue	Equality and Diversity Officer Regional Branch of Culture Target	Equality and Diversity Officer Regional Branch of Culture Target (different region to Link 2)
<b>Stream 3: Communities Target</b>	Officer		Three housing associations supplying specialist provision for disabled clients	Senior Manager Private Housing Association	Policy Officer City Council Housing Association i	Equality and Housing Policy Officer City Council Housing Association
<b>Stream 4: Environment Target</b>	<ul style="list-style-type: none"> <li>Officer</li> <li>Senior Manager</li> </ul>	External Consultant	Disabled staff and service users were not involved in developing the DES	Senior Manager Disability-Led Organisation	Senior Manager Countryside Access Organisation	Senior Manager Organisation within Environment sector



<b>Stream 5: Criminal Justice Target</b>	Officer	Senior Manager	<ul style="list-style-type: none"> <li>Two focus groups with employees involved in developing Target's DES</li> <li>User-led disability group in the same region as Target</li> </ul>	Diversity Officer Police Force in different region of England than the Target	Diversity Officer Probation Service in a region close to the Target	Senior Manager Non-profit employment services charity promoting opportunities into employment
<b>Stream 6: Health Target</b>	Senior Manager	Senior Manager	<ul style="list-style-type: none"> <li>Three members of Target staff</li> <li>One hospital volunteer</li> <li>One service user</li> </ul>	Project Manager and member/volunteer Regional Disability-led Organisation	Regional Coalition of Disabled People (2 interviews) <ul style="list-style-type: none"> <li>County Coordinator</li> <li>Vice President</li> </ul>	<ul style="list-style-type: none"> <li>Equalities Officer</li> <li>County Council</li> <li>Senior Manager</li> <li>Regional Medical Organisation</li> </ul>
<b>Stream 7: Transport Target</b>	Senior Manager	<ul style="list-style-type: none"> <li>Senior Manager</li> <li>Officer</li> </ul>	<ul style="list-style-type: none"> <li>Transport Target's Disability Group</li> <li>Disability-led pressure group</li> </ul>	Sector regulator	Head of Transport City Council in the same region as the Transport Target	

\* Education Target 1 was keen to be involved but struggled to fulfil the criteria set by the research team. Specifically we were unable to talk directly to a senior manager or to disabled people who had been involved in the development of their DES. Education Target 2 were initially contacted as a possible Link Organisation but became willing to act as a second Target in order to give a richer understanding of how this sector responded to the DED. Education Sector 2 provided interviews with an equality officer, a senior manager and disability champion and with disabled employees who were part of the organisation's Disability Working Group.



## **Appendix B: General Interview Schedules for Equality Officers, Senior Managers, Link Organisations and Focus Groups**

### **DED Interview Schedule for Equality Officers**

#### ***Preparing the DES***

1. Could you briefly tell me a bit of the history around developing the DES. Can you tell me how it was prepared?
2. What stage are you at now in meeting the duties under the DED?
3. How time consuming has responding to the DED been?
4. In a given week, how many hours do you commit to it now?
5. Is this different to the number of hours committed 12 months ago?
6. Who is responsible for the implementation of the DED in your organisation?

#### ***Involving Disabled People***

7. Had your organisation any prior experience of working and consulting with disabled people? [If necessary prompt for examples]
8. Has the collaboration with regard to the DED been different?
9. Were disabled people involved in developing the DES?
10. How did your organisation locate these groups? [Prompt: employees? if necessary, prompt staff networks? Existing customer forums? Unions?]
11. Did their involvement go beyond consultation? In what ways?
12. Is involvement ongoing?

13. To what extent did you involve a diverse group of disabled people?
  - a. In terms of seniority of disabled people working with your organisation?
  - b. In terms of impairment?
  - c. [Only prompt if necessary and if time allows: Did you consult with people with a physical impairment, a learning disability, a hearing or visual impairment, or with a mental health problem?]
  - d. In terms of reflecting other equality strands? For example, does the group of disabled people who contributed represent diversity in gender, sexuality, race, religion or belief, or age?
14. Have there been benefits in involving disabled people? If so, what benefits?
15. What have been the key challenges or barriers in involving disabled people?
16. Has your organisation been able to fully respond to all contributions made by the disabled people involved?
17. What plans does your organisation have to involve disabled people in the future?
  - a. In future Impact Assessments?
  - b. In reviewing performance Targets?
  - c. Implementing the scheme?

### ***Implementing the Scheme***

18. To what extent do decision makers in your organisation take account of the DED when making decisions on policy design or service delivery?
19. Has disability proofing become part of your established working practice?
20. Did your organisation collaborate with any other groups, departments or sectors in producing the DES? If so, who did you work with?

# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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21. Was anything useful learned from these collaborations?
22. Were any sources of information or guidance particularly useful in developing your DES?
23. Have organisations from other sectors influenced the development of the DES?
24. To what extent has the DES impacted on the business or work plan for your organisation?
25. What additional support would have been beneficial in implementing the Action Plans?
  - a. Support from central government
  - b. Support from the DRC or EHRC?
  - c. Support from other bodies in the sector?
  - d. Support from inspectorates?
  - e. Sector-wide bodies, for example IDEA (Improvement and Development Agency for Local Government) or the Equality Challenge Unit for Higher Education [note: examples will be tailored to the Target Organisation]
  - f. What support would you appreciate in the future?
26. To what extent have all staff members engaged with the DED?

## **Outcomes**

27. Have you been surprised by any of the Action Plans generated by consulting with disabled groups?
28. At the end of the first 12 months, has anything changed for disabled people within your sector?
  - a. In the way your organisation operates with respect to disabled people?
29. Has your organisation determined whether groups of disabled people are satisfied with its progress in meeting your Action Plans?

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30. Has the Disability Equality Duty helped you eliminate unlawful disability discrimination? If so, how?
  31. Has your organisation actively promoted equality for disabled people? In what ways?
  32. Does your organisation promote positive attitudes towards disabled people? In what ways?
  33. Does your organisation promote the participation of disabled people in public life? If so, how?
  34. In consideration of Questions 28-33, how do you know?  
Are you measuring performance?
    - a. What performance reviewing processes has your organisation used?
  35. How far has your organisation met the year one Targets set out in the DES Action Plan?
  36. Have any changes been made to the Action Plan set for year 2 as a response to a recent review? Why?
  37. What processes has your organisation used to review performance in year 1?
  38. Have you published your first annual report on the DES?
  39. To what extent has the organisation's performance on meeting DES Action Plans been recorded as part of overall performance measures? [Prompt if necessary: as a response to a recent review?]
  40. Overall, what lessons have emerged from implementing the DED?
  41. What lessons have emerged from involving disabled people?

## **DED Interview Schedule for Senior Managers**

### ***Preparing the DES***

1. Could you briefly tell me a bit of the history around developing the DES. Can you tell me how it was prepared?
2. Who is responsible for the implementation of the DED in your organisation?

### ***Involving Disabled People***

3. How were disabled people involved in developing the DES?
4. Did their involvement go beyond consultation? In what ways?
  - a. Is it ongoing?
5. What plans does your organisation have to involve disabled people in the future?
  - a. In future Impact Assessments?
  - b. In reviewing performance Targets?
6. Has your organisation been able to fully respond to all contributions made by the disabled people involved?

### ***Implementing the Scheme and the General Duty***

7. To what extent do decision makers in your organisation take account of the DED when making decisions on policy design or service delivery?
8. Has disability proofing becoming part of your established working practice?
9. Did your organisation collaborate with any other groups, departments or sectors in producing the DES? If so, who did you work with?
  - a. Was anything useful learned from these collaborations?
10. Have you collaborated with the Housing Corporation?
  - a. If yes, what form did this take?
11. To what extent has the DES impacted on the business or work plan for your organisation?

- 
12. What additional support may have been beneficial in implementing the Action Plans?
    - a. Support from central government?
    - b. Support from the DRC or EHRC?
    - c. Support from inspectorates?
    - d. Support from the Housing Corporation?
    - e. What support would you appreciate in the future?
  13. To what extent have all staff members engaged with the DED?
  14. Other than costs associated with involving disabled people, do you think that the DED has placed any additional costs on your organisation? If so, could you quantify these or give examples?

### **Outcomes**

15. To what extent do disabled people:
  - a. Contribute to the Impact Assessments? In what ways?
  - b. Help prioritise your Action Plan? In what ways?
16. Have you been surprised by anything in the Action Plan generated from consulting with disabled people?
17. At the end of the first 12 months, has anything changed for disabled people within your organisation?
  - a. In the way your organisation operates with respect to disabled people?
18. Has your organisation determined whether groups of disabled people are satisfied with its progress in meeting your Action Plans?
19. Has the Disability Equality Duty helped you eliminate unlawful disability discrimination? If so, how?
20. Has your organisation actively promoted equality for disabled people? In what ways?
21. Does your organisation promote positive attitudes towards disabled people? In what ways?
22. Does your organisation promote the participation of disabled people in public life? In what ways?



# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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23. In consideration of Questions 17-22, how do you know?  
Are you measuring performance?
  - a. What performance reviewing processes has your organisation used?
24. Has your organisation tried to improve recruitment and employment of disabled people as a result of the DED?
25. How far has your organisation met the year one Targets set out in the DES Action Plan?
26. Have any changes been made to the Action Plan set for year 2 as a response to a recent review?
27. To what extent has the organisation's performance on meeting DES Action Plans been recorded as part of overall performance measures?
28. Overall, what lessons have emerged from implementing the DED?
29. What lessons have emerged from involving disabled people?

## **DED Interview Schedule for Link Organisations**

### ***Preparing the DES***

1. Does your own organisation have its own Disability Equality Scheme?
2. Could you briefly tell me a bit of the history developing the DES. Can you tell me how it was prepared?
3. How early on were you involved in contributing to the Target's Disability Equality Scheme?

***If Own DES:***

4. Who is responsible for the implementation of the DED in your organisation?
5. Had you or your sector had any prior experience of working and consulting with disabled people?
6. Has the collaboration with regard to the DED been different?
7. How did you locate the group of disabled people that you worked with?
  - a. Prompt: employees? Unions? Local organisations of or for disabled people?
8. Has involvement of disabled people been maintained? How?
9. What have been the benefits in involving disabled people?
10. What have been the key challenges or barriers in involving disabled people?
11. Has your organisation been able to fully respond to all contributions made by the disabled people involved?

***Questions for Everyone: Outcomes***

12. With regard to your contribution to the Target's DES, what form did your involvement take?
  - a. Reviewed documents relating to the scheme
  - b. Attended meetings (e.g. steering groups, forums or focus groups)
  - c. Attended meetings (e.g. business meeting with one or two others)
  - d. Responded to a survey
13. Did your organisation collaborate with any other groups or sectors in relation to the Disability Equality Duty?
14. Did you learn anything new or useful from these collaborations?
15. To what extent have you:
  - a. Helped prioritise the Action Plan in the Target's DES?
  - b. Contributed to the Impact Assessments carried out by the Target?

# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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16. Were any sources of information or guidance useful in developing or responding to the Disability Equality Duty?
  - a. Support from central government
  - b. Support from the DRC or EHRC?
  - c. What additional support would have been beneficial?
17. To what extent have staff members in your own organisation engaged with the DED?
18. Has this been enhanced by your involvement with the Target?
19. At the end of the first 12 months, has anything changed for disabled people within your organisation?
20. Has anything changed in the way your organisation operates with respect to disabled people?
21. How far has your organisation been involved in reviewing the year one Targets set out in the Target's DES Action Plan?
22. Is your organisation satisfied with the Target's progress in meeting the Action Plans?
23. Are you aware of any changes that have been made to the Target's Action Plan set for year 2 as a response to a recent review?
24. Overall, what lessons have emerged for you from being involved in the implementation of the DED?
25. What lessons have emerged from involving disabled people?

## **DED Interview Schedule for Focus Groups**

### ***Preparing the DES***

1. How early on were you involved in contributing to the Target's Disability Equality Scheme?
2. Who is responsible for the implementation of the DED in the Target Organisation?
3. Had you been involved in any other consultations with the Target before?
  - a. If so, please expand on this.
4. Has the collaboration with regard to the DED been different?
5. How did you hear about the consultation?

- 
6. Did you already know any of the disabled people who were also consulted?
    - a. Prompt: employees? Unions? Local organisations of or for disabled people?
  7. Are you still involved? How?
  8. What have been the benefits in being involved in developing the Target's DES?
  9. What have been the key challenges or barriers in being involved?
  10. Has the Target been able to fully respond to all the contributions made by you and other disabled people involved?

### **Outcomes**

11. With regard to your contribution to the Target's DES, what form did your involvement take?
  - a. Reviewed documents relating to the scheme
  - b. Attended meetings (e.g. steering groups, forums or focus groups)
  - c. Attended meetings (e.g. business meeting with one or two others)
  - d. Responded to a survey
  - e. Other – please expand
12. Have you worked with any other groups or sectors in relation to the Disability Equality Duty?
13. Did you learn anything new or useful from being involved in developing the Target's (or anyone else's) DES?
14. To what extent have you:
  - a. Helped prioritise the Action Plan in the Target's DES?
  - b. Contributed to the Impact Assessments carried out by the Target?

# **An In-Depth Examination of the Implementation of the Disability Equality Duty in England**

Report for the Office for Disability Issues

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15. Did you find any sources of information or guidance useful in helping you be involved in developing the Target's DES?
  - a. Support from central government
  - b. Support from the DRC or EHRC?
  - c. More guidance or support from the Target?
  - d. What additional support would have been beneficial?
16. To what extent do you think staff members in the Target have engaged with the DED?
  - a. Has this been enhanced by your involvement with the Target?
17. At the end of the first 12 months, has anything changed for disabled people within the Target?
18. Has anything changed in the way the Target operates with respect to disabled people?
19. How far have you been involved in reviewing the year one Targets set out in the Target's DES Action Plan?
20. Are you satisfied with the Target's progress in meeting the Action Plans?
21. Are you aware of any changes that have been made to the Target's Action Plan set for year 2 as a response to a recent review?
22. Overall, what lessons have emerged for you from being involved in the implementation of the DED?







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We welcome feedback on this report.

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